‖12‖
SOCIAL SCIENCE

This is online Chapter 12 of the law school casebook Firearms Law and the Second Amendment: Regulation, Rights, and Policy, *by Nicholas J. Johnson, David B. Kopel, George A. Mocsary, and Michael P. O'Shea. The printed book, consisting of Chapters 1 through 11, is available at the website of Aspen Publishers. The printed book is also available from Amazon.com and Barnes & Noble (bn.com). The public website for this casebook, firearmsregulation.org, contains the four online chapters (Chapters 12 through 15), plus podcasts on each chapter, resources for student research papers, and more.*

Note to teachers: Chapter 12, like all of the online chapters (and like the printed Chapters 1 through 11), is copyrighted. You may use this online Chapter 12 without charge for a class, and you may have it printed for students without charge — providing that you notify the authors of such use via one of the email addresses provided on the public website for this textbook. Of course, you may choose to use only selected pages, and you may supplement this chapter with materials of your own. However, this chapter may not be electronically altered or modified in any way.

Chapter 12 presents empirical data and studies on firearm use and misuse. Most of the chapter involves criminological issues like gun use in crime, resisting crime, and guns as deterrents to crime. The chapter also covers many facets of the debates about gun control or gun ownership as strategies for reducing crime. In addition to the strictly criminological issues, we present information on suicide and accidents. The chapter is divided into the following sections:

For students writing policy-oriented research papers, this material and the work cited here will be a good resource. In addition to the sections summarized above, the chapter ends with an Appendix that presents a variety of data by state. These data do not show cause and effect. But they do permit interesting, rough comparisons between states that have different forms of gun control.

A. Challenges of Empirical Assessments of Firearms Policy

Almost all empirical assessments of social issues involve some data challenges, and this is certainly true of empirical studies of gun policy. A good place to start in appreciating the challenges, and a good source of analysis of the full range of empirical claims affecting the gun debate, is the 2005 metastudy by the National Research Council, *Firearms and Violence: A Critical Review* (2004). This book-length report was developed by the National Academies at the request of a consortium of federal agencies and private foundations, including the Centers for Disease Control and the Joyce Foundation (both of which have taken positions strongly favoring increased gun control).

The federal Centers for Disease Control (CDC) conducted its own metastudy, "First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws," published in the CDC's (memorably named) *Morbidity and Mortality Weekly Report* (Oct. 3, 2003).

Both the National Research Council and CDC studies are agnostic on the effectiveness of existing gun controls. That is, each metastudy concluded that existing data and studies were not sufficient to draw solid conclusions about whether gun control (in its various forms) reduces or increases crime, nor did they permit conclusions about whether gun ownership or gun carrying (in their various forms) reduces or increases crime.

When the American gun control debate became a major national issue in the late 1960s, there was almost no social-science research on the topic. But since the late 1970s, there have been many studies, some of them of very high quality. That the sum total of these studies lead to agnosticism indicates the difficulty of drawing solid conclusions about the effect of public policy interventions aimed at a complicated set of behaviors. In legislatures, it is common for statistics and studies to be bandied about by both sides, but usually for the purpose of reinforcing the intuitions of whichever side is doing the bandying.

A good illustration of the complexity of the field — even in areas where excellent data are available — appears in Section B of this chapter. It begins by asking a simple question: *How many guns are owned by civilians in the United States?* (That is, all guns in the United States excluding those owned by the military but including guns owned by individual police officers and by police departments.)

We have decades' worth of very reliable data from U.S. gun manufacturers about the number of guns made during a particular year. We also have solid data about how many guns per year were legally imported into the United States and exported out. So for any given year we have a good estimate for the net addition to the U.S. gun supply.

Yet fixing the total number of guns is still complex. First, the annual production data only go back so far, and one has to estimate what the gun supply was before that. Then there is the question of the net *subtractions* each year from the gun supply. The number of guns that citizens surrender to the government in occasional "buyback" programs is trivially small. But police gun seizures from criminals are much larger in number. Some municipalities sell seized guns back into the inventory through licensed firearms dealers. But some seized guns are destroyed. There are no comprehensive data about how many guns leave the inventory because of police seizures. (This would be a good topic for a student research paper.)

Also, guns can wear out from use, or from neglect. Replacing a worn-out gun spring is not particularly difficult, but presumably some number of guns become nonfunctional every year, either because of damage or (more often) because the owners do not bother to maintain them or have them repaired. But no one really knows how many guns should be subtracted from the national gun count on this basis.

According to the 1968 Gun Control Act (GCA), any gun made before 1898, and some modern replicas of pre-1898 guns are not considered "firearms." (A modern replica of an 1873 Colt SAA .45 *is* a "firearm" because it uses commercially available metallic cartridge ammunition). Likewise, the vast majority of black-powder, muzzleloading guns (described in Chapter 1 of the textbook and in online Chapter 15) are not considered "firearms" covered by the GCA. So manufacturers are not required to compile or report production numbers for these guns.

Also, Americans do not need a federal license to manufacture guns for their personal use. It is unknown how many homemade firearms are produced each year. (Most homemade firearms are probably black-powder guns assembled from kits, so they would not show up in the data in any event). Illegally imported guns are also statistically off the books. So, too, are any thefts of guns from military supplies that end up in the civilian inventory.

Table 12-22 presents an estimate of more than 300 million firearms (not counting muzzleloaders) in civilian hands in the United States — slightly more than one gun per American. Other estimates might place that figure closer to 200 million. No one suggests that the figure is below 150 million, or above 400 million. The difference between 200 million and 300 million is sizable, but it is a relatively precise figure compared to the range of estimates of the number of guns in countries such as Brazil, Yemen, or Mexico.

Another basic question is, *how many individuals or households in America own guns?* Again, there is a wealth of data: The Gallup Poll and the National Opinion Research Center have both been asking this question annually for many years. We present much of the data later in this chapter. Yet there are large year-to-year swings in the answers, which demonstrate some of the empirical limits of opinion polling.

Polling data on gun ownership involves not only the ordinary imprecision of polling, but also the unending problem of the "dark figure." There are probably a large number of people who own guns but refuse to admit it to a

stranger on the telephone. This was illustrated by an Illinois study of persons who had a state-issued Firearm Owner's Identification Card (FOID Card), which is required in Illinois to buy guns. The pollsters found that a large percentage of people who had a FOID Card nevertheless told a telephone pollster that they did not own any guns. It is possible that most of these people paid fees and filled out official paperwork in order to obtain a permit to own guns, but then changed their minds and did not acquire them. But the more plausible conclusion is that a large percentage of gun owners refuse to disclose themselves to pollsters. *See* David J. Bordua, Alan J. Lizotte, & Gary Kleck, Patterns of Firearms Ownership, Use and Regulation in Illinois: A Report to the Illinois Law Enforcement Commission (Springfield, Ill., 1979). *See generally* Gary Kleck, *Measures of Gun Ownership Levels for Macro-Level Crime and Violence Research*, 41 J. Res. Crime & Delinq. 3 (2004). It also turns out that who answers the phone can make a big difference in the result. Husbands inform a pollster about a gun in the home at a higher rate than do wives. Gary Kleck, Targeting Guns: Firearms and Their Control 67 (1997).

Taking the phenomenon of nondisclosure into account, one would probably not be too far wrong in estimating that about half of American households own guns. In any event, one would not be wrong by an order of magnitude (which is more than you can be sure of in some of the areas covered in this chapter!). Likewise, the different estimates for the number of civilian guns in the United States differ by a bit more than 50 percent — under 200 million, or over 300 million.

In contrast, when we turn to the question, *how many defensive gun uses (DGUs) by private persons (not police) occur each year in the United States*, the rival measures vary enormously, with the low-end estimate separated from the high-end estimate by more than an order of magnitude. The low end is around 100,000 DGUs per year, and the high end is around 3 million. We examine the issue in detail in Section C. While we tend to side with the argument that the true number is around 700,000, the range of uncertainty is still very large.

What about the *number of gun crimes per year*? The standard source is the FBI's Uniform Crime Reports (UCR), compiled from monthly reports by local law enforcement about the total number of crimes per category in their jurisdictions. The UCR by definition does not include incidents that are not reported to the police. Sometimes (but hopefully not often), police departments cheat in order to create the appearance of lower crime in their jurisdictions (e.g., by misreporting a theft as an unexplained loss of property, or a rape as a mere assault).

The UCR is based solely on police reports, not on a final judicial resolution of the case. *See* UCR General FAQs. So what the UCR reports as a criminal homicide may later be determined to be lawful self-defense. Moreover, UCR reporting is not mandatory. Some jurisdictions will submit incomplete information and some might submit none. For example, rape data for 2000 was entirely unavailable from two states. *Id.* One researcher has argued that UCR underreporting distorts research on right-to-carry laws. *See* M.C. Maltz, Bridging Gaps in Police Crime Data, Discussion Paper from the Bureau of Justice Statistics (U.S. Dep't of Justice 1999).

Another source of crime data is the annual National Crime Victimization Survey (NCVS), a joint project of the Department of Justice and the Census Bureau. The NCVS conducts in-depth polls of Americans to ask if they were victims of crime during the last year, and, if so, to elicit certain details. The NCVS has its own methodological advantages and disadvantages. Sometimes NCVS data are congruent with the UCR, and sometimes not. For a rich source of information on the uses and limitations of these and other sources of crime data, see Alex Tabarrok et al., *The Measure of Vice and Sin: A Review of the Uses, Limitations and Implications of Crime Date*, *in* Handbook on the Economics of Crime 53 (Bruce L. Benson & Paul R. Zimmerman eds., 2012), *available at* http://mason.gmu.edu/~atabarro/Measure.pdf.

A particularly controversial source of information is Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) firearms trace data. Local law enforcement agencies may ask ATF to *trace* the origins of a firearm confiscated from criminals or found at a crime scene. The typical trace starts with the manufacturer's name and a serial number stamped on the gun. A trace of a relatively new gun will quickly reveal the date of manufacture, the identity of the wholesaler and retailer who originally sold the gun, and the dates the gun was transferred to them. Pursuant to the Gun Control Act, manufacturers and wholesalers must keep records on these transactions. These days, almost all such data are computerized and voluntarily made available to ATF at any time, so ATF can conduct a computerized manufacturer to wholesaler to retailer trace in a few seconds.

As detailed in Chapter 8, the GCA also requires retailers to keep paper records. Although many retailers today also keep additional records on their computers, the dealer-owned computer records are not immediately available for ATF to conduct traces. So ATF will contact the retailer personally, and the retailer's records will show the first lawful buyer of the gun. If the gun was stolen from that first lawful buyer, the trace comes to an end. If the gun was sold to someone else, the trace might extend to the subsequent purchaser.

ATF warns that the fraction of guns selected for tracing is not representative of crime guns in general. Because the likelihood of a successful trace is low for older guns, the trace submissions skew heavily toward newer guns. In 1999, for example, roughly 164,000 firearms were submitted to the National Trace Center and "52 percent were successfully traced to the first retail purchaser." National Research Council, *supra*, at 39. Forty-eight percent of the trace requests failed for various reasons, with 10 percent failing because the gun was too old. *Id.* In recent years, the ATF has only accepted trace requests for guns of recent vintage. A full assessment of this issue is provided later in this chapter in the excerpt from Gary Kleck and Shun-Yung Kevin Wang, *The Myth of Big-Time Gun Trafficking and the Overinterpretation of Gun Tracing Data*, 56 UCLA L. Rev. 123 (2009).

All of the above problems involve simple questions of counting how many guns or gun crimes there are. When one tries to estimate the effects of particular gun laws, there are two different approaches, broadly speaking. A *cross-sectional* study compares and contrasts different areas that have varying laws, and attempts to discern whether differences in crime rates might be due to the differing gun laws. A *longitudinal* study examines changes in a single area over time — for example, how crime rates changed in a particular state after a certain

gun law was enacted. Many studies are both longitudinal and cross-sectional, examining changes in several jurisdictions over a period of time.

The challenge faced by all such studies is that gun laws are not the only variable that may impact crime rates. For example, New Jersey has more restrictive gun laws than does Louisiana, and also has less crime. But there are many other differences between New Jersey and Louisiana that might be alternative explanations for the differing crime rates — such as poverty rates, police efficacy, unemployment, percentage of the population aged 15 to 25 (the peak years for violent crime perpetration), and so on. Likewise, the simple fact that violent crime fell after a state enacted a "shall issue" handgun carry licensing law (Chapter 1.D) does not prove that the crime reduction was caused by the new law. Perhaps at about the same time that the shall-issue law came into effect, new prisons were opened, which allowed more criminals to be incarcerated longer; or unemployment was falling; or the percentage of young males in the population was declining due to emigration to other states. *Multivariate analysis* uses sophisticated statistical tools to attempt to hold other variables constant, and to isolate the effect of the variable being studied (such as a change in gun laws). This brings the debate to a level of complexity that few people without an advanced degree in a field of statistical analysis can follow. And even those with this expertise have many bitter disagreements among themselves.

We are not counseling pessimism. For all of the above difficulties, the empirical examination of firearms issues is a good deal better-grounded than many other policy debates. Much of the debate involves homicide, a drastic event that draws extensive public attention, giving homicide research a starting point of solid data. In the 1960s and 1970s, when the modern American gun control debate was getting under way, empirical research was thin, and generally of poor quality. But since then, there has been a tremendous amount of fine research. For example, Gary Kleck's 1991 book *Point Blank: Guns and Violence in America* won the American Society of Criminology's Hindelang Prize for the best contribution to criminology in the previous three years. Besides presenting Kleck's original research, the book summarized all the research thus far. One reviewer, a specialist in drunk driving, commented enviously on the amount of data and analysis amassed by gun policy scholars. H. Laurence Ross, *Book Review*, 98 Am. J. Soc. 661 (1992).

So as we begin the examination of criminological data, we do not mean to suggest that empirical analysis of gun policy questions is futile. We do mean to caution that many figures and statistical claims may not be nearly as precise as one might hope.

B. American Gun Ownership

Many of the first generation of firearms criminologists thought that more guns in private hands were straightforwardly correlated with more crime. *See, e.g.*, Franklin E. Zimring & Gordon Hawkins, The Citizen's Guide to Gun Control (1987). But in recent years, gun ownership in America has increased to record

levels even as the frequency of crime with guns has declined. The decline in violent crime is covered in more detail in Section J below. In this Section B we detail the growth and distribution of the civilian gun inventory.

Based on a compilation of different sources, it is likely that the U.S. civilian gun inventory is at least 300 million — roughly one gun per person in the United States. *See* Table 12-22.

Survey data about the distribution of firearms is mixed. A 2011 Gallup poll found that 47 percent of American adults have a gun in their home. This is up from 41 percent the year before, and was the highest percentage Gallup has recorded since 1993. It is also consistent with 1980 surveys by Gallup and Harris that showed the number of households owning firearms between 45 and 48 percent. National Research Council, *supra*, at 58.

On the other hand, polling by the National Opinion Research Center (at the University of Chicago) shows a long-term decline in household gun ownership from about half of all households to about a third. One researcher speculates that this may be due to an increase in female-headed households during the same period. *Id.* at 45.

All of the surveys about household gun prevalence show erratic swings from one year to the next, sometimes up and sometimes down. These swings are far too large to be mere sampling error, and they are also so large as to be highly implausible — unless one believes that a significant percentage of the U.S. population gets rid of its guns one year, acquires new guns the next year, then gets rid of its guns a few years later, and buys new ones a couple years after that. *See* Kleck, *supra*, at 67-68. It is fair to say that between a third and a half of American households have firearms. Claims of an exact percentage within that range assume more precision than the data justify.

1. Gun Ownership by State

In 2001 the Behavioral Risk Factor Surveillance System (BRFSS) in North Carolina surveyed 201,881 respondents nationwide, asking them, "Are any firearms now kept in or around your home? Include those kept in a garage, outdoor storage area, car, truck, or other motor vehicle." Table 12-1 shows the results.

TABLE 12-1
Gun Ownership by State

		Yes		*No*	
	Total Number	*Respondents*	*%*	*Respondents*	*%*
All Participants	**201,881**	**67,786**	**31.7**	**134,095**	**68.3**
Alabama	2,623	1,294	51.7	1,329	48.3
Alaska	2,716	1,627	57.8	1,089	42.2
Arizona	3,066	989	31.1	2,077	68.9
Arkansas	2,780	1,431	55.3	1,349	44.7
California	3,897	846	21.3	3,051	78.7
Colorado	1,947	629	34.7	1,318	65.3
Connecticut	7,449	1,279	16.7	6,170	83.3
Delaware	3,421	934	25.5	2,487	74.5

		Yes		No	
	Total Number	*Respondents*	*%*	*Respondents*	*%*
The District of Columbia	1,859	66	3.8	1,793	96.2
Florida	4,454	1,072	24.5	3,382	75.5
Georgia	4,277	1,745	40.3	2,532	59.7
Hawaii	4,450	477	8.7	3,973	91.3
Idaho	4,430	2,394	55.3	2,036	44.7
Illinois	2,103	396	20.2	1,707	79.8
Indiana	3,851	1,390	39.1	2,461	60.9
Iowa	3,508	1,370	42.8	2,138	57.2
Kansas	4,421	1,715	42.1	2,706	57.9
Kentucky	7,245	3,664	47.7	3,581	52.3
Louisiana	4,800	1,977	44.1	2,823	55.9
Maine	2,326	869	40.5	1,457	59.5
Maryland	4,271	1,028	21.3	3,243	78.7
Massachusetts	8,474	934	12.6	7,540	87.4
Michigan	3,653	1,339	38.4	2,314	61.6
Minnesota	3,837	1,468	41.7	2,369	58.3
Mississippi	2,841	1,481	55.3	1,360	44.7
Missouri	3,981	1,753	41.7	2,228	58.3
Montana	3,066	1,723	57.7	1,343	42.3
Nebraska	3,584	1,342	38.6	2,242	61.4
Nevada	2,379	887	33.8	1,492	66.2
New Hampshire	3,863	1,091	30.0	2,772	70.0
New Jersey	5,901	597	12.3	5,304	87.7
New Mexico	3,439	1,212	34.8	2,227	65.2
New York	3,822	667	18.0	3,155	82.0
North Carolina	5,906	2,070	41.3	3,836	58.7
North Dakota	2,422	1,158	50.7	1,264	49.3
Ohio	3,288	897	32.4	2,391	67.6
Oklahoma	4,243	1,896	42.9	2,347	57.1
Oregon	2,433	901	39.8	1,532	60.2
Pennsylvania	3,533	1,160	34.7	2,373	65.3
Rhode Island	4,024	493	12.8	3,531	87.2
South Carolina	3,038	1,273	42.3	1,765	57.7
South Dakota	4,921	2,595	56.6	2,326	43.4
Tennessee	2,774	1,123	43.9	1,651	56.1
Texas	5,667	2,030	35.9	3,637	64.1
Utah	3,439	1,634	43.9	1,805	56.1
Vermont	4,190	1,639	42.0	2,551	58.0
Virginia	2,831	967	35.1	1,864	64.9
Washington	4,022	1,244	33.1	2,778	66.9
West Virginia	2,945	1,513	55.4	1,432	44.6
Wisconsin	3,290	1,307	44.4	1,983	55.6
Wyoming	2,859	1,614	59.7	1,245	40.3
Guam	859	115	14.3	744	85.7
Puerto Rico	4,230	275	6.7	3,955	93.3
Virgin Islands	2,233	196	8.3	2,037	91.7

Source: Washington Post.

The information in Table 12-1 is derived from survey data, and obviously does not represent a precise counting of the U.S. households with guns. There are no effective comprehensive records of U.S. firearms ownership. Analysis of the extent and character of gun ownership in America relies on estimates. These estimates are derived from several sources, including new firearms production numbers, national surveys, and the use of proxies like firearms suicides (the higher the percentage of suicides in which firearms are used, the higher the inferred rate of gun ownership), purchases of hunting licenses, and number of licensed firearm dealers. *See* Miller, Hemmenway, & Azrael, *Household Firearm Ownership Levels and Homicide Rates Across U.S. Regions and States (1988-1997)*, 92 Am. J. Pub. Health 1988-93 (2002); Azrael, Cook, & Miller, *State and Local Prevalence of Firearms Ownership: Measurement, Structure and Trends*, 20 J. Quantitative Criminology 43-62 (2004); Corzine, Huff-Corzine, & Weaver, *Using Federal Firearms Licenses (FFL) Data as an Indirect Measurement of Gun Availability*, *in* The Varieties of Homicide and Its Research: Proceedings of the Homicide Research Working Group: 1999 1 at 161 (2000).

Despite the caveats, the inference from Table 12-1 that rates of gun ownership may vary by state or region is probably sound. A variety of factors — from gun laws, to regional culture, to population density, to geography (availability or shortage of places to shoot) — may affect this variation.

2. Gun Ownership by Type

Assessments of ownership by gun type are imperfect. However, survey data indicate that about 44 percent of gun-owning households own a handgun and about two-thirds of handgun households also have long guns. Kleck, *supra*, at 69. Ownership characteristics also vary by race, with Blacks more likely to own handguns and less likely to own long guns than Whites. The Black handgun ownership rate is 6 to 9 percent higher than the rate for Whites, and Black long gun ownership 11 to 29 percent lower than the rate for Whites. National Research Council, *supra*, at 58; Kathleen Maguire & Ann L. Pastore, Sourcebook of Criminal Justice Statistics (2002). (The Sourcebook is an annual publication of the U.S. Bureau of Justice Statistics. All past Sourcebooks are available here.)

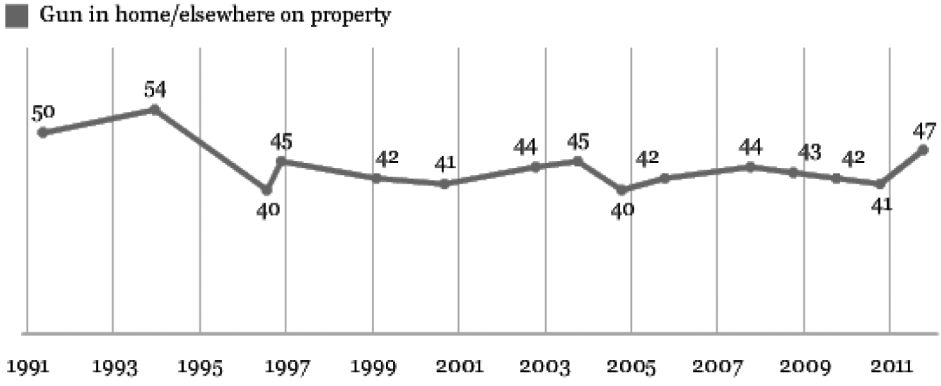
The article below from Gallup offers more detail about American gun ownership. The article reflects some of the most recent estimates of U.S. gun ownership broken down by region and among various subgroups.

Lydia Saad, *Self-Reported Gun Ownership in U.S. Is Highest Since 1993: Majority of Men, Republicans, and Southerners Report Having a Gun in Their Households*
Gallup Politics (Oct. 26, 2011)

Forty-seven percent of American adults currently report that they have a gun in their home or elsewhere on their property. This is up from 41% a year ago and is the highest Gallup has recorded since 1993, albeit marginally above the 44% and 45% highs seen during that period.

U.S. Gun Households, 1991-2011

Do you have a gun in your home? (If no: Do you have a gun anywhere else on your property such as in your garage, barn, shed, or in your car or truck?)



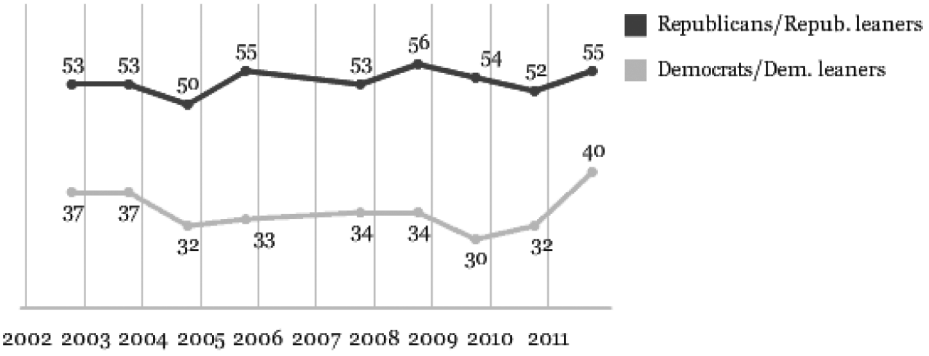
GALLUP

The new result comes from Gallup's Oct. 6-9 Crime poll, which also finds public support for personal gun rights at a high-water mark. Given this, the latest increase in self-reported gun ownership could reflect a change in Americans' comfort with publicly stating that they have a gun as much as it reflects a real uptick in gun ownership.

Republicans (including independents who lean Republican) are more likely than Democrats (including Democratic leaners) to say they have a gun in their household: 55% to 40%. While sizable, this partisan gap is narrower than that seen in recent years, as Democrats' self-reported gun ownership spiked to 40% this year.

Gun in Household, by Party ID

% Saying there is a gun in their home/on their property



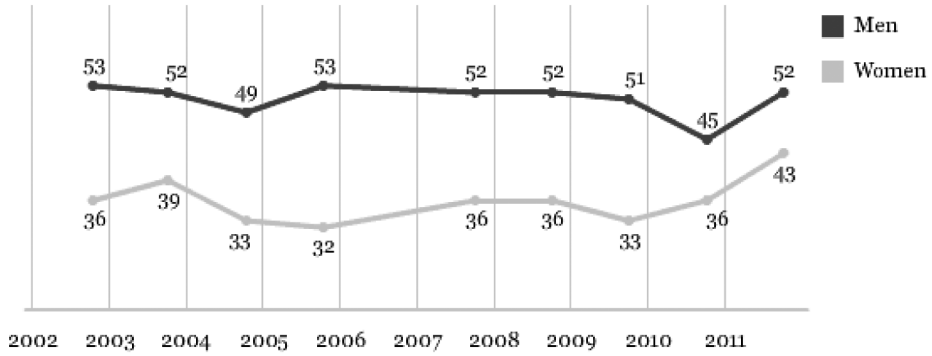
Trend from annual Gallup Crime survey, conducted in October

GALLUP

The percentage of women who report household gun ownership is also at a new high, now registering 43%.

Gun in Household, by Gender

% Saying there is a gun in their home/on their property



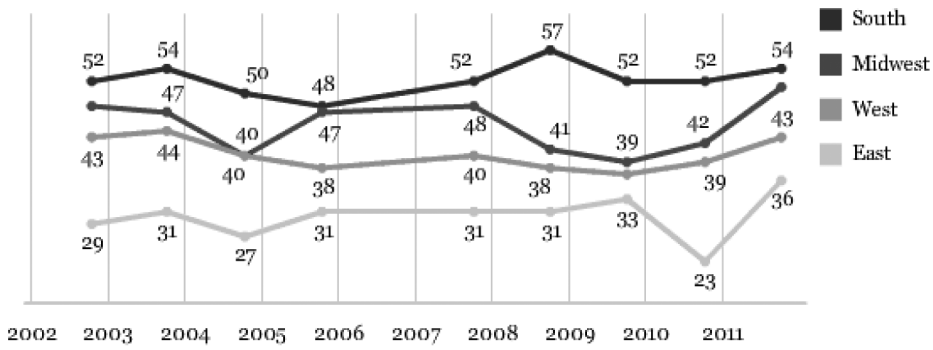
Trend from annual Gallup Crime survey, conducted in October

GALLUP

Gun ownership is more common in the South (54%) and Midwest (51%) than in the East (36%) or West (43%) — a finding typical of Gallup's trends in gun ownership by region.

Gun in Household, by Region

% Saying there is a gun in their home/on their property



Trend from annual Gallup Crime survey, conducted in October

GALLUP

One in Three Americans Personally Own a Gun

Since 2000, Gallup has asked respondents with guns in their households a follow-up question to determine if the gun belongs to the respondent or to someone else. On this basis, Gallup finds that 34% of all Americans personally own a gun.

The gender gap in personal gun ownership is wider than that seen for household ownership, as 46% of all adult men vs. 23% of all women say they personally own a gun.

Middle-aged adults — those 35 to 54 years of age — and adults with no college education are more likely than their counterparts to be gun owners.

Summary of Gun Ownership

	Personally owns gun	Other household member owns gun	No gun in household
	%	%	%
National adults	34	13	51
Men	46	6	48
Women	23	20	55
18 to 34	23	13	63
35 to 54	38	14	46
55 and older	24	9	66
College graduate	29	13	56
Some college	30	16	51
No college	40	11	48
East	29	7	63
Midwest	36	15	46
South	38	16	45
West	31	13	55
Republican/Lean Republican	41	14	43
Democrat/Lean Democratic	28	13	60

Oct. 6-9, 2011

GALLUP

Bottom Line

A clear societal change took place regarding gun ownership in the early 1990s, when the percentage of Americans saying there was a gun in their home or on their property dropped from the low to mid-50s into the low to mid-40s and remained at that level for the next 15 years. Whether this reflected a true decline in gun ownership or a cultural shift in Americans' willingness to say they had guns is unclear. However, the new data suggest that attitudes may again be changing. At 47%, reported gun ownership is the highest it has been in nearly two decades — a finding that may be related to Americans' dampened support for gun-control laws. However, to ensure that this year's increase reflects a meaningful rebound in reported gun ownership, it will be important to see whether the uptick continues in future polling.

NOTES & QUESTIONS

1. Regional differences in gun ownership appear consistently in surveys, including in the data above. Look at Table 12-1 in Section B.1, which shows rates of gun ownership by state. Nearly all of the states where more than 40 percent of the respondents said they own a gun are located in either the South, the Mountain West, the Upper Midwest, or northern New England. What factors do you think contribute to these regional differences? Examine the gun crime rates by state provided in the Appendix. Is there a relationship between gun prevalence and gun crime rates?

2. What do you think explains the trends described in the recent Gallup survey? An actual increase in gun ownership? Americans being more socially comfortable about disclosing gun ownership to pollsters?

3. What do you think about living in a country where there are arguably slightly more guns than people? If you would prefer fewer guns, what would you say is the optimal number per capita?

C. Defensive Gun Use: Frequency and Results

Gun policy debates and news reporting tend to focus on the social costs of firearms, such as criminal misuse and accidents. But firearms are also used for lawful self-defense against criminal attack, which most people acknowledge as a social benefit. Some gun control advocates concede the theoretical legitimacy of armed self-defense but still argue that gun ownership is harmful overall. The argument often rests on the assumption that attempts to use guns defensively are rare or ineffective.

This skepticism raises two key questions: First, is self-defense with a gun practicable? That is, are armed self-defenders typically incompetent or likely to have the gun taken away and used against them? Subsection 1 below examines

the issue. The second question is, how often do gun owners actually use their guns defensively? Is it frequent enough to create enough social benefits to offset the costs of firearms? Subsection 2 addresses this question. As it turns out, the first question has a relatively clear answer. So far, the second does not.

1. Self-Defense and Victim Welfare: The Risk of Armed Self-Defense

What happens when an intended victim uses a gun to resist criminal attack? Having a gun is certainly no guarantee of safety. But what is the likelihood that the weapon will be taken away, or that resistance will enrage the criminal into a fatal attack? Data from the National Crime Victimization Survey show that this is very uncommon. A victim's weapon is taken by the attacker in no more than 1 percent of cases in which the victim uses a weapon. Data from the NCVS and other sources also show that "[t]here is no sound empirical evidence that resistance does provoke fatal attacks." Gary Kleck & Jongyeon Tark, *Resisting Crime: The Effects of Victim Action on the Outcomes of Crimes*, 42 Criminology 861, 903 (2005).

It also appears that resisting with a firearm does not increase the chance of victim injury. In a study of all of the NCVS data on robberies from 1979 to 1985, it emerged that resistance with a gun was the most effective form of resistance. It was both the method most likely to thwart the crime, and the method that most reduced the intended victim's likelihood of injury. Gary Kleck, *Crime Control Through the Private Use of Armed Force*, 35 Soc. Probs. 1, 7-9 (1988); Gary Kleck & Miriam DeLone, *Victim Resistance and Offender Weapon Effects in Robbery*, 9 J. Quantitative Criminology 55, 73-77 (1993); Gary Kleck & Marc Gertz, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 J. Crim. L. & Criminology 150, 174-75 (1995); William Wells, *The Nature and Circumstances of Defensive Gun Use: A Content Analysis of Interpersonal Conflict Situations Involving Criminal Offenders*, 19 Just. Q. 127, 152 (2002).

The best indications from the NCVS data are that "[t]he use of a gun by the victim significantly reduces her chance of being injured" in situations when the robber is armed with a non-gun weapon. Lawrence Southwick, *Self-Defense with Guns: The Consequences*, 28 J. Crim. Just. 351, 362, 367 (2000). If the robber has a gun, or has no weapon, victim gun possession did not seem to affect injury rates. *Id.* Southwick concluded that if 10 percent more robbery victims had guns, the rate of serious victim injury from robbery would fall 3 to 5 percent.

NOTES & QUESTIONS

1. In contrast to many other questions in the gun control debate, the issue of takeaways is well-settled. There simply is no data indicating that takeaways from lawful defenders are a frequent occurrence. What do you think accounts for the enduring power of the takeaway scenario, as an argument against defensive gun ownership?

2. Do you think you would be able to use a firearm competently for self-defense? Do you think that most gun owners are capable of doing so? Why?

2. The Frequency of Defensive Gun Use

Current data suggest that the defensive use of guns can indeed be effective in preventing criminal victimization and/or injury. But how often are guns used defensively? The answer here is much more difficult to pin down. There have been 13 major surveys directly inquiring into the frequency of *defensive gun uses* (DGUs) in the modern United States. The surveys range from a low of 760,000 annually to a high of 3 million. The more recent studies are much more methodologically sophisticated. The survey results are summarized in Table 12-2 on the next page.

a. The National Crime Victimization Survey

The surveys referred to above asked respondents directly whether they had used a gun defensively. The National Crime Victimization Survey (NCVS) did not ask this question directly, but recorded DGUs that were disclosed in the course of interviewing subjects who reported being victimized by crime. It yielded far lower rates of defensive gun use. The data for this survey were derived from face-to-face interviews conducted by the Census Bureau in the subject's home. The interviews are done in conjunction with the Department of Justice. Most of the NCVS data are not published in a narrative format. Instead, they are available for researchers at the website of the Inter-University Consortium for Political and Social Research (ICPSR).

The NCVS data for the years 1992 to 2005 suggest about 97,000 DGUs annually, with 75,000 DGUs in 2005, the last year for which data are available. The figure is based on "National Crime Victimization Survey, 1992-2005: Concatenated Incident-Level File."

The combined tabulations in Table 12-3 suggest a DGU rate of 1.2 percent for violent crimes. The NCVS average crime rate per 1,000 U.S. population over the age of 12 in 1992-2005 was 35.8. The average population of the United States between 1992 and 2005 was 275,768,380. Of that population, 82 percent were over the age of 12.

Assessment of the NCVS as a Measure of DGUs

The NCVS survey and the resultant figure of about 100,000 DGUs per year are criticized as biased toward low results because the NCVS survey never asks respondents directly about DGUs. Also, the NCVS first asks if the respondent has been the victim of a crime, and does not proceed with further questions about an incident if the respondent answers "no." This potentially excludes people who did face a criminal incident, but defended themselves, and answered "no" because they do not consider themselves "victims." Finally, critics argue that the NCVS survey only asks about some crimes, and not the full scope of crimes from which a DGU might ensue. *See, e.g.*, Kleck, *supra*, at 152-54 (1997).

TABLE 12-2
The 13 Studies of the Frequency of Defensive Gun Use

Survey	*Field*	*Bordua*	*DMI One*	*DMI Two*	*Hart*	*Ohio*	*Mauser*	*Gallup*	*Gallup*	*Kleck & Gertz*	*L.A. Times*	*Tarrance*	*Police Found.*
Area	Cal.	Ill.	U.S.	U.S.	U.S.	Ohio	U.S.	U.S.	U.S.	U.S.	U.S.	U.S.	U.S.
Year of interviews	1976	1977	1978	1978	1981	1982	1990	1991	1993	1993	1994	1994	1994
Gun type covered	Handgun	All	All	All	Handgun	Handgun	All	All	All	All	All	All	All
Recall period	Ever/1 yr./2 yrs.	Ever	Ever	Ever	5 yrs.	Ever	5 yrs.	Ever	Ever	1 yr.	Ever	5 yrs.	1 yr.
Exclude uses against animals?	No	No	No	Yes	Yes	No	Yes	No	No	Yes	No	Yes	Yes
Exclude military/ police uses?	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes
DGU to which question refers	Self	Self	Household	Household	Household	Self	Household	Self	Self	Self	Self	Self/ Household	Self
% who used gun	8.6/1.4/3[a]	5.0	15	7	4	6.5	3.79	8	11	1.326	8[c]	1/2[d]	1.44
% who fired gun	2.9	n.a.	6	n.a.	n.a.	2.6	n.a.	n.a.	n.a.	0.63	n.a.	n.a.	0.70
Implied annual number of DGUs	3,052,717	1,414,544	2,141,512	1,098,409	1,797,461	771,043 (extrapolated to U.S.)	1,487,342	777,153	1,621,377	2,549,862	3,609,682	764,036	1,460,000

Source: Defensive Gun Use Surveys are from Gary Kleck, Targeting Guns: Firearms and Their Control ch. 5 (1997).

Notes to Table:

[a]1.4% in past year, 3% in past two years, 8.6% ever.

[b]Estimated annual number of DGUs of guns of all types against humans, excluding uses connected with military or police duties, after any necessary adjustments were made, for United States, 1993.

[c]Covered only uses outside the home.

[d]1% of respondents, 2% of households.

TABLE 12-3
NCVS Survey on DGUs

Self-protective action: Attacked offender with gun

	Frequency	*Percent*	*Cumulative*
No	29,906	17.53	17.53
Yes	83	0.05	17.58
Out of universe	140,639	82.42	100
Total	170,628		100

Self-protective action: Threatened offender with gun

	Frequency	*Percent*	*Cumulative*
No	29,708	17.41	17.41
Yes	281	0.16	17.58
Out of universe	140,639	82.42	100
Total	170,628		100

b. Kleck & Gertz Survey

Gary Kleck and Marc Gertz conducted an especially thorough survey in 1993, with safeguards intended to weed out respondents who might misdescribe a DGU story. Kleck and Gertz found a midpoint estimate of 2.5 million DGUs annually with a possible range of 2 to 3 million. *See* Gary Kleck & Marc Gertz, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 J. Crim. L. & Criminology 150 (1995).

Facing the threshold question of how to define a DGU, Kleck and Gertz offered the following definition:

> Questions about the details of DGU incidents permitted us to establish whether a given DGU met all of the following qualifications for an incident to be treated as a genuine DGU: (1) the incident involved defensive action against a human rather than an animal, but not in connection with police, military, or security guard duties; (2) the incident involved actual contact with a person, rather than merely investigating suspicious circumstances, etc.; (3) the defender could state a specific crime which he thought was being committed at the time of the incident; (4) the gun was actually used in some way—at a minimum it had to be used as part of a threat against a person, either by verbally referring to the gun (e.g., "get away—I've got a gun") or by pointing it at an adversary. We made no effort to assess either the lawfulness or morality of the [respondents'] defensive actions.

Id. at 162-63. Thus, under Kleck and Gertz's approach, an incident can qualify as a DGU even if no shots were fired.

The Kleck & Gertz survey found that 80 percent of defensive uses involved handguns, and that 76 percent of defensive uses do not involve firing the weapon, but rather merely brandishing it to scare away an attacker. *Id.* at 175. Their Kleck & Gertz findings received an important endorsement from Marvin Wolfgang, "the most influential criminologist" in the English-speaking world. Ellen Cohn & David Farrington, *Who Are the Most Influential Criminologists in the English-Speaking World?*, 34 Brit. J. Criminology 204 (1994) (based on citations in top journals). Wolfgang was President of the American Society of Criminology,

and President of the American Academy of Political and Social Science and an ardent supporter of gun prohibition. Reviewing the Kleck & Gertz findings, Wolfgang wrote that he could find no methodological flaw, nor any other reason to doubt the correctness of the 2.5 million DGU figure:

> I am as strong a gun-control advocate as can be found among the criminologists in this country. . . . I would eliminate all guns from the civilian population and maybe even from the police. I hate guns. . . .
>
> Nonetheless, the methodological soundness of the current Kleck and Gertz study is clear. . . .
>
> . . .
>
> The Kleck and Gertz study impresses me for the caution the authors exercise and the elaborate nuances they examine methodologically. I do not like their conclusions that having a gun can be useful, but I cannot fault their methodology. They have tried earnestly to meet all objections in advance and have done exceedingly well.

Marvin Wolfgang, *A Tribute to a View I Have Opposed*, 86 J. Crim. L. & Criminology 188, 191-92 (1995).

c. Other Surveys

Philip Cook of Duke, Jens Ludwig of Georgetown, and David Hemenway of Harvard were skeptical of the Kleck & Gertz results, and conducted their own survey for the Police Foundation. Yet that survey also yielded a high number, with an estimate of 1.46 million DGUs. Philip Cook & Jens Ludwig, Guns in America: Results of a Comprehensive National Survey of Firearms Ownership and Use 62-63 (1996). Cook and Ludwig argue that their own study produced implausibly high numbers, and they adopted the novel (for them) position that it was impossible to accurately measure DGUs. *Id.* at 68-75. For a response, *see* Gary Kleck, *Has the Gun Deterrence Hypothesis Been Discredited?*, 10 J. Firearms & Pub. Pol'y 65 (1998).

The National Opinion Research Center (NORC), for its part, argues that the figures from the Kleck & Gertz survey are probably too high, but the NCVS figures too low. NORC estimates the actual annual DGU figure to be somewhere in the range of 256,500 to 1,210,000. Tom Smith, A *Call for a Truce in the DGU War*, 87 J. Crim. L. & Criminology 1462 (1997).

The vast majority of DGUs in the survey estimates do not involve actual shootings, which are comparatively rare. Some critics are skeptical of the survey estimates and emphasize the dramatic difference between the DGU numbers, on one hand, and other indications of legitimate shootings, on the other. For example, the FBI compiles reported instances of justifiable homicide in the Uniform Crime Reports. The tables below show reported justifiable homicides by police (Table 12-4) and civilians (Table 12-5). As shown in the tables, police and private citizens combined commit fewer than 1,000 justified homicides with firearms per year. This number seems almost insignificant in comparison to the survey estimates of hundreds of thousands, or even millions, of total DGUs per year.

TABLE 12-4

Justifiable Homicide
by Weapon, Law Enforcement,[1] *2006-2010*

Year	*Total*	*Total firearms*	*Handguns*	*Rifles*	*Shotguns*	*Firearms, type not stated*	*Knives or cutting instruments*	*Other dangerous weapons*	*Personal weapons*
2006	**386**	386	330	25	11	20	0	0	0
2007	**398**	395	351	19	8	17	1	1	1
2008	**378**	373	305	30	13	25	1	2	2
2009	**414**	411	326	29	6	50	0	3	0
2010	**387**	385	315	26	6	38	1	1	0

[1]The killing of a felon by a law enforcement officer in the line of duty.

TABLE 12-5

Justifiable Homicide
by Weapon, Private Cititzen,[1] *2006-2010*

Year	*Total*	*Total firearms*	*Handguns*	*Rifles*	*Shotguns*	*Firearms, type not stated*	*Knives or cutting instruments*	*Other dangerous weapons*	*Personal weapons*
2006	**238**	192	154	12	15	11	31	12	3
2007	**257**	202	161	8	21	12	37	8	10
2008	**265**	219	171	13	13	22	35	9	20
2009	**266**	218	167	9	19	23	30	10	80
2010	**278**	232	170	8	26	28	30	110	5

[1]The killing of a felon, during the commission of a felony, by a private citizen.

NOTES & QUESTIONS

1. What do you make of the DGU data? As you have read, even surveys by strong skeptics produce results indicating a very large number of annual DGUs. *See, e.g.*, Philip J. Cook, Jens Ludwig, & David Hemenway, *The Gun Debate's New Mythical Number: How Many Defensive Uses Per Year*, 16 J. Pol'y Analysis & Mgmt. 463 (1997) (expressing skepticism about the Kleck & Gertz results but acknowledging that the survey was conducted according to current professional standards, and that its results were reproduced in subsequent surveys).

Skeptics raise a variety of objections to the survey results, including that the implied numbers for wounded or killed aggressors do not show up in public health data. Even the low, alternative figure drawn from the NCVS is itself about 100,000 DGUs a year, still a surprisingly high number to some observers.

If the NCVS figure is correct, then the number of DGUs is much smaller than the number of gun crimes annually. If the Kleck & Gertz and Police Foundation figures are correct, DGUs outnumber gun crimes. Is it legitimate for the state to make decisions about whether individuals can have

guns for self-defense based on whether beneficial DGUs do or do not outnumber use of guns in violent crimes? Does *District of Columbia v. Heller*, 554 U.S. 570 (2008) (Chapter 9), affect the answer?

2. Besides DGUs and gun use in crime, there are other social costs and benefits of firearms. Some researchers argue that gun ownership (and especially the lawful carrying of defensive handguns) produces enormous benefits in terms of crime deterrence. *E.g.*, John R. Lott, Jr., More Guns, Less Crime: Understanding Crime and Gun Control Laws (3d ed. 2010). Others argue that the psychological burden caused by fear of gun crime imposes quantifiable economic costs. *See* Mark Warr, Fear of Crime in the United States: Avenues for Research and Policy (2000). Many people get enjoyment from hunting, target shooting, and gun collecting, and all these activities, particularly hunting, produce economic benefits. What other benefits and harms should be taken into account?

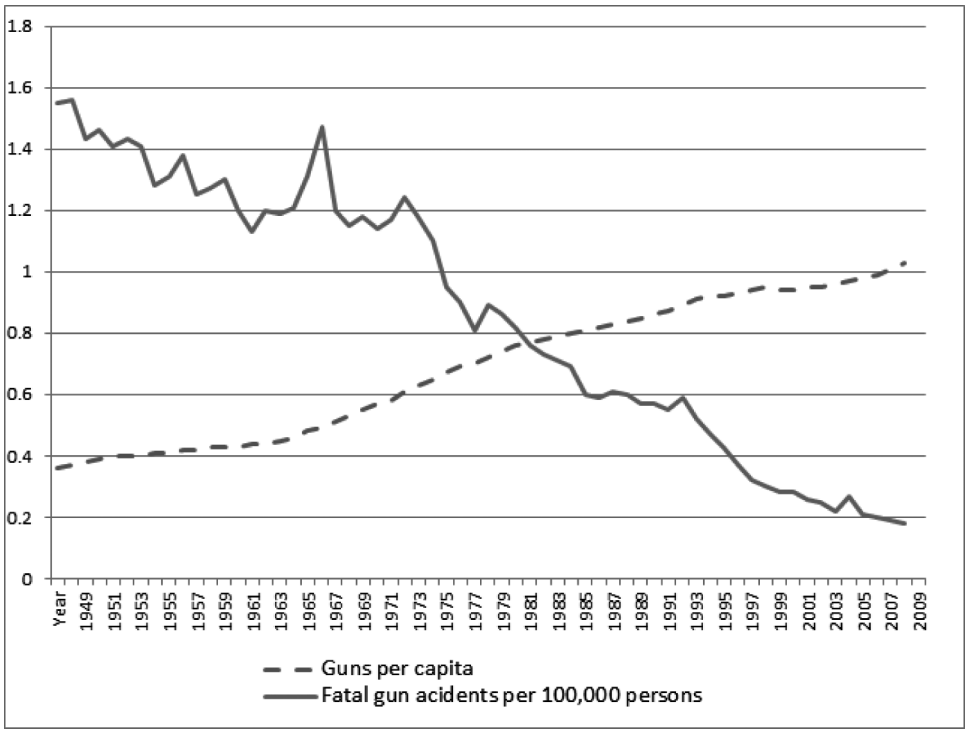
3. Defensive gun users are seldom reported by national news outlets; unlawful shootings, by contrast, are reported relatively often. Local news reporting, however, much more frequently includes both types of stories. This is especially true in more gun-friendly areas. An updated list of links to videos of reports of defensive gun uses is available on this casebook's public website, http://firearmsregulation.org, in the Student Research and Tools section.

D. Firearm Accidents

Gun accidents are a tiny percentage of the overall number of deaths from guns and deaths generally. The accidental death rate has been falling for the last four decades. Accidental firearms deaths among children have also declined sharply and are far less common than many people believe. While it is axiomatic that homes with guns will have more gun accidents than homes without guns, the actual risk posed by having a gun in the home turns out to be quite small and the gun accident rate does not seem to be driven by the rate of gun ownership.

To the contrary, gun ownership has increased greatly in the past few generations, yet this has not corresponded with an increase in fatal gun accidents. As the chart below and Table 12-22 show, from 1948 to 2009 the U.S. per capita number of firearms has risen by 186 percent, while the per capita death rate from firearms accidents has declined by 88 percent. Over the same period (starting in 1950, when childhood accident data become available), the accidental gun death rate for children (ages 0 to 14) has fallen by 93 percent, from 1.10 per 100,000 population to 0.08. *See* Table 12-22.

Note that the scales in the following chart differ by a magnitude of 100,000. The scale for guns per capita is guns per individual. In 1948 there were 0.36 guns per person. (That is, about one gun for every three Americans.) By 2009, there was about one gun for every American. The scale for fatal gun accidents is per 100,000 persons. In 1948, there were 1.55 fatal gun accidents per 100,000 persons. By 2009, the rate had fallen by 88 percent, so that there were 0.18 fatal accidents per 100,000 persons.



Fatal gun accident rate versus the number of guns per capita, 1948-2009

Thus, the fatal gun accident rate for all ages is today at an all-time low, while the per capita gun supply is at an all-time high. The annual risk level for a fatal gun accident is around 0.18 per 100,000 population — less than the risk of taking two airplane trips a year, or getting a whooping cough vaccination. Stephen Breyer, Breaking the Vicious Circle: Toward Effective Risk Regulation 5, 7 (1992) (airplane and vaccine data).

By way of comparison, swimming pools are involved in far more accidental child fatalities than are firearms. National Safety Council, Injury Facts 2007, at 133, 144. In 2003, there were 7 accidental firearms deaths for children aged under 5, and 49 deaths for ages 5 to 14. For the same two combined age groups in that same year, there were 86 accidental deaths in bathtubs, and 285 deaths in swimming pools. Steven Levitt & Stephen Dubner, Freakonomics 135-36 (rev. ed. 2006). Indeed, swimming pool accidents cause more deaths of children under ten years of age than *all* forms of death by firearm combined — accident, homicide, and suicide. For accidents, "[t]he likelihood of death by pool (1 in 11,000) versus death by gun (1 in 1 million-plus) isn't even close." *Id.* (parentheticals in original).

1. Why Have Fatal Gun Accident Rates — Including Rates for Children — Plunged?

There are many possible explanations for the decline in gun accidents, and perhaps all of them have contributed. First, there are now more trauma centers,

and better life-saving surgical techniques, than there were half a century ago. Improved emergency medical care is also one reason why U.S. firearms homicide rates are lower than they might otherwise be.

Second, since the mid-twentieth century, handguns have replaced long guns as the firearm most often kept in the home. Handguns can be hidden from inquisitive children more easily than long guns. Also, handguns generally are less powerful than long guns.

Third, while groups such as the Boy Scouts and 4-H have always taught gun safety to young people, gun safety education is more widespread today. For example, the National Shooting Sports Foundation (the trade association for the gun industry) has partnered with state Lieutenant Governors in programs to distribute free gun locks en masse.

The National Rifle Association's "Eddie Eagle Gun Safety Program," created in 1988, has been taught to more than 20 million schoolchildren. The program teaches children that if they find a gun, "Stop! Don't touch! Leave the area! Tell an adult." The program won the silver Award of Merit from the Youth Activities Division of the National Safety Council.

As for adults who cause gun accidents, the one in-depth study on the topic found that these individuals also tend to have high rates of "arrests, violence, alcohol abuse, highway crashes, and citations for moving traffic violations." Julian Waller & Elbert Whorton, *Unintentional Shootings, Highway Crashes, and Acts of Violence*, 5 Accident Analysis & Prevention 351, 353 (1973). In contrast to the period covered by the Waller and Whorton study, many more such people are now prevented from legally buying a gun by the National Instant Check System enacted in 1993.

Another factor that has probably reduced accidents is product liability lawsuits. Poorly made guns that are genuinely defectively designed (e.g., a gun that would readily discharge when dropped) have been greatly reduced in the market because of the cost of paying successful plaintiffs. The Protection of Lawful Commerce in Arms Act of 2005 (Chapter 8.D.6) does not limit tort actions against manufacturers of guns with this kind of design defect.

About half of all fatal gun accidents involve hunting. Starting with New York State in 1948, all American states have adopted regulations that require those applying for a hunter license to pass a hunter safety class. These classes have probably reduced hunting fatalities from all sorts of carelessness (e.g., carrying a loaded gun while climbing over a fence or sitting in a tree stand without a safety harness).

Finally, and most controversially, there are the Child Access Prevention (CAP) laws, enacted by a minority of states. These laws mandate that guns be locked away and inaccessible to unsupervised minors. Empirical studies of CAP laws have come to conflicting conclusions. One study, published in *JAMA* (the Journal of the American Medical Association), found a statistically significant[1] reduction in gun accidents following the enactment of such laws. Peter Cummings, D.C. Grossman, F.P. Rivara, & T.D. Koepsell, *State Gun Safe Storage Laws and Child Mortality Due to Firearms*, 278 JAMA 1084 (1997). Some criticized the study because its statistical significance depended disproportionately on results

1. For more on what it means to be "statistically significant," see online Chapter 14.B.

from a single state, Florida. Daniel W. Webster & Marc Starnes, *Reexamining the Association between Child Access Prevention Gun Laws and Unintentional Shooting Deaths of Children, Firearm Deaths among Children*, 106 Pediatrics 1466, 1466-69 (2000).

Another study compared crime, accident, and suicide trends in states with CAP laws with trends in other states, while controlling for the effect of numerous sociological factors. John R. Lott, Jr., & John E. Whitley, *Safe Storage Gun Laws: Accidental Deaths, Suicides, and Crime*, 44 J.L. & Econ. 659 (2001). The study found no statistically significant reduction in accidents involving children or teenagers. Teenage suicides *by firearm* decreased, but not the overall teenage suicide rate. There were also large, statistically significant increases in violent crime and homicide:

> Rapes, robberies, and burglaries . . . rise by 9, 11, and 6 percent, respectively, as a result of safe storage laws. . . . The fifteen states with safe storage laws would be expected to experience 168 more murders in the first full year that the law is in effect. The number of murders peaks in the fourth full year at 380 murders. . . . During the five full years after the passage of the safe storage laws, the fifteen states face an annual average increase of 309 more murders, 3,860 more rapes, 24,650 more robberies, and over 25,000 more aggravated assaults.

Id. at 43. The crime increase was most severe in states were CAP law violation was a felony — the only states where *JAMA* found the law to be effective. (Again, the results are statistical estimates. Not every state would, for example, have 9 percent more rape. But on average, according to Lott and Whitley's analysis, rape would increase by roughly 9 percent after the enactment of a CAP law.)

2. How Common Are Gun Accidents Compared to Other Accidents?

Our informal surveys suggest that many people have an exaggerated intuition about the risk of death from the accidental discharge of firearms. For a clear perspective, it is useful to compare firearms accidents with other causes of accidental death. Table 12-6 is broken down by age, and shows how the risk of accidental death from various sources changes over an individual's lifespan.

NOTES & QUESTIONS

1. Accidental discharge of firearms is the least likely of all causes of accidental death listed. Does this surprise you? Why? Does the relatively low risk of death from accidental firearm discharge change your thinking about firearms policy in any way?

2. As you assess the risks and benefits of private firearms, how does the material on accidental deaths from firearms affect your policy preferences? Consider the data in Section C above about defensive gun uses (DGUs) by private citizens. Does the comparison of DGUs versus accidental death affect your view about the wisdom or folly of owning a gun? What other factors go into

TABLE 12-6
Breakdown of Deaths from Accidents, Excerpted from CDC
Table "Number of deaths from 113 selected causes, United States, 2009"

Cause of death	*All ages*	*Under 1 year*	*1-4 years*	*5-14 years*	*15-24 years*	*25-34 years*	*35-44 years*	*45-54 years*	*55-64 years*	*65-74 years*	*75-84 years*	*85 years and over*	*Not stated*
Accidents (unintentional injuries)	118,021	1,181	1,466	1,689	12,458	14,062	15,102	19,974	12,933	8,940	13,482	16,689	45
Transport accidents	39,031	97	510	1,060	7,960	6,253	5,515	6,334	4,604	2,949	2,566	1,172	11
Motor vehicle accidents	36,216	95	479	974	7,688	5,887	5,066	5,695	4,082	2,693	2,425	1,123	9
Other land transport accidents	1,033	1	24	44	121	134	152	216	155	94	61	30	1
Water, air and space, and other and unspecified transport accidents	1,782	1	7	42	151	232	297	423	367	162	80	19	1
Nontransport accidents	78,990	1,084	956	629	4,498	7,809	9,587	13,640	8,329	5,991	10,916	15,517	34
Falls	24,792	19	46	28	192	302	551	1,341	1,888	2,850	6,986	10,586	3
Accidental discharge of firearms	554	1	15	32	132	99	76	61	60	46	21	11	-
Accidental drowning and submersion	3,517	45	450	209	548	396	392	507	418	247	203	95	7
Accidental exposure to smoke, fire, and flames	2,756	24	167	141	142	200	233	417	444	386	393	209	-
Accidental poisoning and exposure to noxious substances	31,758	22	37	50	3,044	6,209	7,388	9,675	3,913	764	415	235	6
Other and unspecified nontransport accidents	15,613	973	241	169	440	603	947	1,639	1,606	1,698	2,898	4,381	18

Source: Centers for Disease Control.

your assessment? Does anything change when you consider the cost-benefit assessment as a question of public policy versus one of personal choice to own a firearm?

3. An example of how the statistical findings of Lott and Whitley might manifest in the real world was an incident in Merced, California, in August 2000. There, a pitchfork-wielding man cut the phone lines to a home, then broke in and began attacking the four children, while their parents were not home. The oldest child, 14-year-old Jessica Carpenter, was unable to retrieve her father's guns from a locked cabinet. She ran to a neighbor's home, and begged him to use his own gun to confront the attacker. The neighbor did not do so, but called 911. By the time the police arrived, Jessica Carpenter's seven-year-old brother and nine-year-old sister were murdered. Jessica's father's guns were locked up in accordance with the California felony CAP law. Kimi Yoshino, *No Easy Answers: Gun Advocates Say Fear of Liability Keeps Parents from Teaching Survival Skills*, Fresno Bee, Aug. 26, 2000, at A1; Vin Suprynowicz, *If It'll Save a Single Child . . . Repeal the Gun Laws*, Las Vegas Rev. J., Sept. 24, 2000, at 2K; John R. Lott Jr., *Unsafe Gun Laws: Reducing Access to Guns Makes People Sitting Prey*, Investors Bus. Daily, Sept. 22, 2000, at A24.

E. Firearm Suicide

By far the largest number of gun deaths each year in the United States are from suicide. Older white men account for the largest number of these suicides. Firearm & Injury Center at Penn, Firearms Injury in the U.S. 14 ("The risk for death from firearm suicide is highest among white males over age 75. In 2002 the age-adjusted rate of firearm suicide among men over 80 was more than twice that of any other age group."); National Inst. of Mental Health, Suicide in the U.S.: Statistics and Prevention.

Among social scientists, there is agreement that gun control laws that reduce overall rates of firearm ownership can reduce the number of *firearm* suicides. There is disagreement about whether they reduce the overall suicide rate, or whether people blocked from using a gun will just choose other means.

Some small but uncontradicted studies indicate that gun availability may increase the suicide "success" rate among youths, and thus the total number of youth suicides.

Several U.S. case control studies have compared individuals who died by suicide with persons who did not and found that those dying by suicide were more likely to live in homes with guns.

> For example, Brent and colleagues studied three groups of adolescents: 47 suicide decedents, 47 inpatient attempters, and 47 psychiatric inpatients who had never attempted suicide. Those who died by suicide were twice as likely to have a gun at home than either of the other two groups:

	Adolescent Suicides	*Adolescent Psychiatric Inpatients*	
		Attempters	*Non-attempters*
Firearm in home:	72%	37%	38%

A later psychological autopsy study . . . compared 140 adolescent suicide decedents with 131 demographically similar community controls. Informants (usually a parent) for both groups were interviewed to learn about the adolescent's life circumstances, mental health, and treatment status. Firearm access was a risk factor for suicide for both older (>15 years) and younger adolescents and for both males and females.

How States Compare

Ecologic studies that compare U.S. states with high gun ownership levels to those with lower levels find that where there are more guns, there are more suicides. The higher suicide rates result from higher firearm suicides. The non-firearm suicide rate is about equal across states.

For example, one study . . . used survey-based measures of state household firearm ownership (from the CDC's Behavioral Risk Factor Surveillance System) while controlling for state-level measures of mental illness, drug and alcohol abuse, and other factors associated with suicide. The study found that males and females and people of all age groups were at higher risk for suicide if they lived in a state with high firearm prevalence. This is most evident when looking not at rates or regression results but at raw numbers. The authors compared the 40 million people who live in the states with the lowest firearm prevalence (HI, MA, RI, NH, CT, NY) to about the same number living in the states with the highest firearm prevalence (WY, SD, AK, WV, MT, AR, MS, IO, ND, AL, KY, WI, LA, TN, UT). Overall suicides were almost twice as high in the high-gun states, even though non-firearm suicides were about equal.

Harvard School of Public Health, Firearm Access Is a Risk Factor for Suicide, http://www.hsph.harvard.edu/means-matter/means-matter/risk (collecting additional research suggesting a link between firearms availability and suicide rates).

Guns are more lethal than other suicide means. About 85 percent of attempts with a firearm are fatal. That is a much higher fatality rate than for nearly every other method. *See* Harvard School of Public Health, Lethality of Suicide Method.

Suicide rates are higher in rural areas. Firearm ownership is also higher in rural areas.

Perhaps it is not the presence of firearms, per se, but something about rural life that leads to greater depression and suicidality, or, alternately, perhaps there is a character trait (such as self-reliance and an inclination to "go it alone") that may be associated both with firearm ownership and suicide and it is this trait, not the presence of the gun, that leads to the association [between suicide rates and rurality].

The evidence is not strong for either of these hypotheses. Most studies of rurality and depression have found that people in rural areas do not have higher

> rates of depression than those in urban areas. . . . In addition, data from the National Comorbidity Study indicate that people living in homes with guns are about as likely as those living in homes without guns to suffer from depression, substance use problems, and suicidal thoughts. . . .

Harvard School of Public Health, Firearm Access Is a Risk Factor for Suicide, http://www.hsph.harvard.edu/means-matter/means-matter/risk.

NOTES & QUESTIONS

1. Is suicide reduction a convincing rationale for restricting access to firearms? If so, what sorts of gun regulations would you suggest to reduce the rate of firearms suicide?

2. Are suicidal tendencies and the need for self-defense mutually exclusive? Imagine a woman who is despondent and potentially suicidal because of conflict with her boyfriend and father of her children. Imagine that this conflict includes intermittent violent threats from the boyfriend. Would you consider it more important to keep her away from guns (to reduce the suicide threat) or to give her access to a gun (for self-defense)? Would you feel confident making that decision as a matter of general policy? Would you feel more confident making that decision on an individual basis after fully assessing her circumstances? Would you ever feel comfortable making this sort of decision for another person? Are you comfortable with an agent of the state making the decision?

3. In the late nineteenth century, so-called "suicide specials" were small, low-priced, single-action revolvers. They were made until 1890, when they were rendered obsolete by the double-action revolver. Donald B. Webster, Suicide Specials (1958). Assume that the legislature determined that a particular class of firearms was disproportionately used in suicide. Would you support a ban on this class of "suicide" guns? Do you think such a ban would be constitutional under *District of Columbia v. Heller* (Chapter 9)? Would it be effective in reducing suicides? Would it make a difference whether these suicide guns were handguns or long guns? What if these "suicide" guns were only a small segment (say, less than 5 percent) of all handguns?

4. Is suicide better addressed as a mental health issue or an issue of firearms policy? Or is it a combination of both? If there were no constitutional barrier to banning gun ownership, would you favor a total gun ban as an answer to the problem of firearms suicide? A mental health exam for anyone buying a gun, and perhaps exams every few years for persons wishing to renew a gun ownership license? As noted in Chapter 14.C.2, Japan has such a policy. Japan, an almost gunless society, also has approximately double the U.S. suicide rate.

> Of the many reasons suggested by researchers for the high Japanese suicide rate, one of the most startling is weapons control. Japanese scholars Mamoru Iga and Kichinosuke Tatai argue that one reason Japan has a suicide problem is that people have little sympathy for suicide victims. Iga and Tatai suggest that the lack of sympathy (and hence the lack of social will to deal with a high suicide rate) is based on the Japanese feelings of insecurity and consequent lack of empathy. They trace the lack of empathy to a "dread of power." That dread is caused in part by the awareness that a person cannot count on others for help against violence or against authority. In addition, say Iga and Tatai, the dread of power among some Japanese people stems from their being forbidden to possess swords or firearms for self-defense. Mamoru Iga & Kichinosuke Tatai, *Characteristics of Suicide and Attitudes toward Suicides in Japan*, *in* Suicide in Different Cultures 273 (Norman L. Farberow ed., 1975).

David B. Kopel, *Japanese Gun Control*, 2 Asia-Pac. L. Rev. 26 (1993).

F. Firearm Violent Crime

As demonstrated in the discussions of the National Firearms Act and the Gun Control Act in Chapters 7 and 8, modern firearms policy has been primarily a response to concerns about gun crime. This section provides the details of criminal misuse of firearms. It will give you some context for existing and proposed firearms regulation and policies.

1. Homicides

Firearms account for the majority of homicides in the United States, and handguns account for the majority of firearm homicides. Table 12-7 was compiled as part of the FBI Uniform Crime Reports. It shows a decline in the rate of firearms murder by weapon type for 2006-10.

TABLE 12-7

Murder Victims
by Weapon, 2006-2010

Weapons	*2006*	*2007*	*2008*	*2009*	*2010*
Total	**15,087**	**14,916**	**14,224**	**13,752**	**12,996**
Total firearms:	10,225	10,129	9,528	9,199	8,775
Handguns	7,836	7,398	6,800	6,501	6,009
Rifles	438	453	380	351	358
Shotguns	490	457	442	423	373
Other guns	107	116	81	96	96
Firearms, type not stated	1,354	1,705	1,825	1,828	1,939
Knives or cutting instruments	1,830	1,817	1,888	1,836	1,704
Blunt objects (clubs, hammers, etc.)	618	647	603	623	540
Personal weapons (hands, fists, feet, etc.)[1]	841	869	875	817	745
Poison	12	10	9	7	11
Explosives	1	1	11	2	4
Fire	117	131	85	98	74
Narcotics	48	52	34	52	39
Drowning	12	12	16	8	10
Strangulation	137	134	89	122	122
Asphyxiation	106	109	87	84	98
Other weapons or weapons not stated	1,140	1,005	999	904	874

[1]Pushed is included in personal weapons.

Many people have intuitions and presumptions about the context and causes of violent crime. Those intuitions and presumptions often shape views about firearms policy. Tables 12-8 and 12-9 report murder circumstances by relationship and weapon type, where available. (In more than a third of the cases, the circumstances are unknown.) Robbery is the most commonly specified circumstance, followed by youth gangland killings. Consider whether the data comports with your intuitions. As you move from one circumstance to the next, consider whether any particular firearms policy would offer a plausible answer.

The chart on page 32 and Table 12-22 show that from 1948 to 2009 the U.S. per capita number of firearms has risen by 186 percent. At the same time, the homicide rate has varied. At its peak in 1980, the homicide rate per 1,000,000 persons was 82 percent higher than in 1948. In 2009, the rate was 11 percent lower than in 1948.

Note that the scales in the chart differ by a magnitude of 1,000,000 (as the chart in Section D on accidents also uses two very different magnitudes). The scale for guns per capita is guns per individual. In 1948 there were 0.36 guns per person. (That is, about one gun for every three Americans.) By 2009, there was about one gun for every American. The scale for gun homicides is per 1,000,000 persons. In 1948, there were 0.56 gun homicides per 1,000,000 persons. In 1980 the rate peaked at 1.02 homicides per 1,000,000 persons, and by 2009 the rate had fallen back to 0.5 homicides per 1,000,000 persons.

TABLE 12-8
Murder Circumstances by Relationship, 2010

Murder Circumstances
by Relationship,[1] 2010

Circumstances	Total murder victims	Husband	Wife	Mother	Father	Son	Daughter	Brother	Sister	Other family	Acquaintance	Friend	Boyfriend	Girlfriend	Neighbor	Employee	Employer	Stranger	Unknown
Total	**12,996**	**110**	**603**	**107**	**135**	**256**	**197**	**88**	**19**	**287**	**2,723**	**396**	**131**	**492**	**92**	**8**	**13**	**1,615**	**5,724**
Felony type total:	1,923	3	18	6	4	15	9	6	3	27	442	61	6	19	18	3	4	489	790
Rape	41	0	0	0	0	0	0	0	0	2	7	1	0	3	2	0	0	12	14
Robbery	780	0	0	0	0	0	1	0	0	9	141	16	0	1	8	3	3	289	309
Burglary	80	0	3	0	0	0	0	0	1	1	14	3	0	0	0	0	0	31	27
Larceny-theft	20	0	0	0	0	0	0	0	0	0	6	1	1	2	0	0	0	5	5
Motor vehicle theft	37	0	0	0	0	0	0	0	0	1	4	0	0	2	0	0	0	10	20
Arson	35	0	0	0	0	0	1	0	1	1	18	1	1	0	0	0	0	1	11
Prostitution and commercialized vice	5	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2	1
Other sex offenses	14	0	0	0	0	1	1	0	0	1	6	1	1	0	0	0	0	1	2
Narcotic drug laws	463	0	1	0	0	1	2	0	0	1	147	28	1	1	0	0	1	61	219
Gambling	7	0	0	0	0	0	0	1	0	0	1	1	0	0	0	0	0	1	3
Other—not specified	441	3	14	6	4	13	4	5	1	11	96	9	2	10	8	0	0	76	179
Suspected felony type	66	0	4	2	0	3	2	0	0	1	7	0	0	4	0	0	0	5	38
Other than felony type total:	6,351	87	474	66	99	193	156	68	14	201	1,760	266	97	393	62	4	7	767	1,637
Romantic triangle	90	1	1	0	0	0	1	0	0	1	52	4	1	9	2	0	0	10	8
Child killed by babysitter	36	0	0	0	0	0	0	0	0	4	30	1	0	0	1	0	0	0	0
Brawl due to influence of alcohol	121	0	6	0	2	1	0	5	0	6	41	12	3	5	2	0	0	27	11
Brawl due to influence of narcotics	58	1	1	1	0	5	1	1	0	0	25	3	3	3	1	0	0	7	6
Argument over money or property	181	1	6	2	4	0	0	2	0	3	78	12	0	1	9	1	0	34	28
Other arguments	3,215	60	323	28	62	39	15	47	8	119	959	183	80	276	37	2	5	371	601
Gangland killings	176	0	0	0	0	0	0	1	0	0	43	8	0	1	0	0	0	34	89
Juvenile gang killings	673	0	0	0	0	0	0	0	0	1	132	3	0	0	0	0	0	108	429
Institutional killings	17	0	0	0	0	0	1	0	0	0	11	0	0	0	0	0	0	2	3
Sniper attack	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1
Other—not specified	1,781	24	137	35	31	148	138	12	6	67	389	40	10	98	10	1	2	172	461
Unknown	4,656	20	107	33	32	45	30	14	2	58	514	69	28	76	12	1	2	354	3,259

[1] Relationship is that of victim to offender.

NOTE: The relationship categories of husband and wife include both common-law and ex-spouses. The categories of mother, father, sister, brother, son, and daughter include stepparents, stepchildren, and stepsiblings. The category of acquaintance includes homosexual relationships and the composite category of other known to victim.

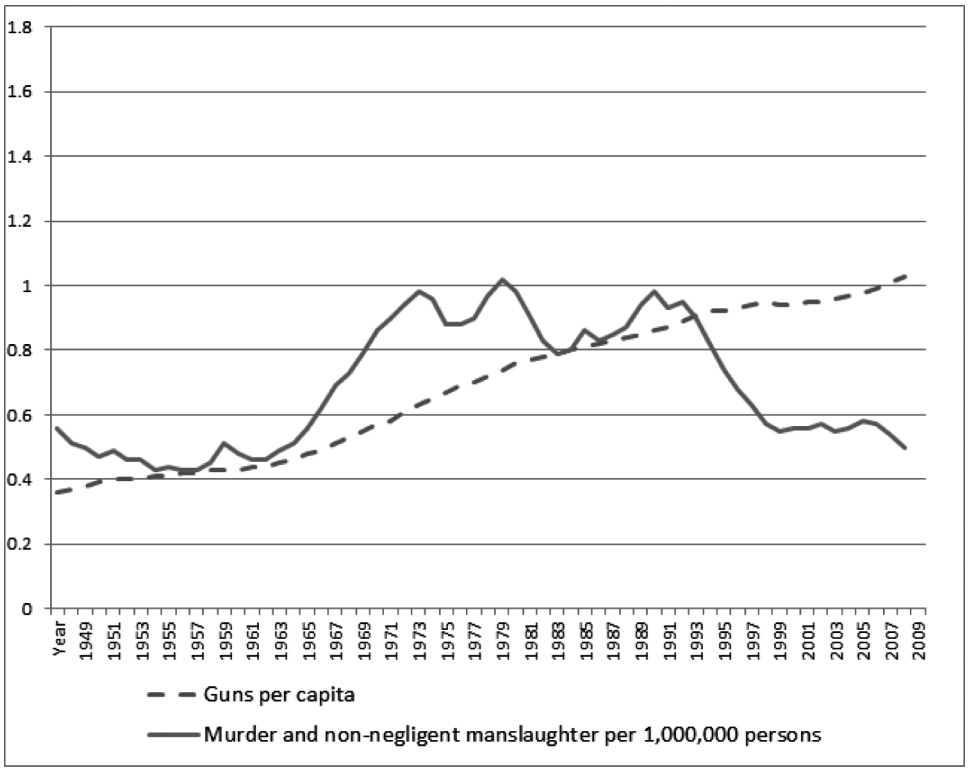
Source: FBI Uniform Crime Reports.

TABLE 12-9
Murder Circumstances by Weapon and Other Crime, 2010

Murder Circumstances
by Weapon, 2010

Circumstances	Total murder victims	Total firearms	Handguns	Rifles	Shotguns	Other guns or type not stated	Knives or cutting instruments	Blunt objects (clubs, hammers, etc.)	Personal weapons (hands, fists, feet, etc.)	Poison	Pushed or thrown out window	Explosives	Fire	Narcotics	Drowning	Strangulation	Asphyxiation	Other
Total	**12,996**	**8,775**	**6,009**	**358**	**373**	**2,035**	**1,704**	**540**	**742**	**11**	**3**	**4**	**74**	**39**	**10**	**122**	**98**	**874**
Felony type total:	1,923	1,391	976	53	60	302	190	84	61	0	0	0	31	12	1	31	17	105
Rape	41	0	0	0	0	0	7	7	7	0	0	0	0	0	0	10	5	5
Robbery	780	603	463	16	19	105	69	44	27	0	0	0	1	0	0	7	3	26
Burglary	80	49	29	3	3	14	14	4	5	0	0	0	2	0	0	2	0	4
Larceny-theft	20	11	7	0	1	3	2	1	3	0	0	0	0	0	0	0	2	1
Motor vehicle theft	37	15	9	0	0	6	7	5	1	0	0	0	0	0	0	0	2	7
Arson	35	7	3	0	0	4	4	0	0	0	0	0	22	0	0	0	0	2
Prostitution and commercialized vice	5	1	0	0	0	1	1	0	1	0	0	0	0	0	0	1	0	1
Other sex offenses	14	3	3	0	0	0	3	1	3	0	0	0	0	0	0	2	0	2
Narcotic drug laws	463	391	264	7	12	108	37	8	3	0	0	0	1	10	1	3	0	9
Gambling	7	6	5	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
Other—not specified	441	305	193	27	24	61	45	14	11	0	0	0	5	2	0	6	5	48
Suspected felony type	66	44	31	2	2	9	10	1	3	0	0	0	0	0	0	4	0	4
Other than felony type total:	6,351	3,960	2,842	187	204	727	1,032	275	530	9	2	3	28	20	6	56	56	374
Romantic triangle	90	59	43	4	4	8	19	6	3	0	0	0	0	0	0	2	0	1
Child killed by babysitter	36	1	1	0	0	0	0	2	23	1	0	0	0	0	0	0	0	9
Brawl due to influence of alcohol	121	55	38	4	8	5	37	9	9	0	0	0	1	0	0	0	1	9
Brawl due to influence of narcotics	58	29	24	1	1	3	6	6	2	0	0	0	0	9	0	0	1	5
Argument over money or property	181	112	79	11	10	12	34	10	17	0	1	0	1	0	0	2	1	3
Other arguments	3,215	1,937	1,346	91	120	380	686	152	228	2	1	0	10	3	1	26	20	149
Gangland killings	176	160	102	4	3	51	11	1	0	0	0	0	0	0	0	0	0	4
Juvenile gang killings	673	624	529	10	7	78	31	4	5	0	0	0	0	0	0	0	0	9
Institutional killings	17	0	0	0	0	0	3	2	5	0	0	0	0	0	0	1	3	3
Sniper attack	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other—not specified	1,781	980	680	59	51	190	205	83	238	6	0	3	16	8	5	25	30	182
Unknown	4,656	3,380	2,160	116	107	997	472	180	148	2	1	1	15	7	3	31	25	391

Source: FBI Uniform Crime Reports.



Gun homicide rate versus the number of guns per capita, 1948-2009

2. Aggravated Assaults and Robberies

Much of the discussion about the harms of guns involves homicides. But homicides, obviously, are not the only costs that firearms impose. Nonfatal assaults with guns occur at a far higher rate than firearm murders. For 2010, the FBI reported an estimated 778,901 aggravated assaults nationwide. This was a decline of 4.1 percent from 2009 and 14.3 percent when compared with the estimate for 2001. When measured per 100,000 inhabitants, the 2010 rate of aggravated assaults was 252.3 offenses per 100,000 inhabitants. This was a drop of 20.8 percent from 2001.

Of the aggravated assault offenses in 2010 for which law enforcement agencies provided expanded data, 27.4 percent were committed with personal weapons such as hands, fists, or feet. 20.6 percent of aggravated assaults were committed with firearms, and 19.0 percent were committed with knives or cutting instruments. The remaining 33.1 percent of aggravated assaults were committed with other weapons.

In addition to aggravated assaults with firearms, there were approximately 127,521 robberies using firearms in 2010. Federal Bureau of Investigation, Uniform Crime Reports, Aggravated Assault.

Table 12-10 shows the rate of aggravated assault by state and weapon type. Table 12-11 shows the rate of robbery by state and weapon type.

TABLE 12-10

Aggravated Assault
by State, Types of Weapons, 2010

State	Total aggravated assaults[1]	Firearms	Knives or cutting instruments	Other weapons	Personal weapons	Agency count	Population
Alabama	5,700	1,529	912	1,273	1,986	303	2,573,716
Alaska	3,309	543	780	795	1,191	35	694,439
Arizona	15,337	3,618	2,604	4,577	4,538	96	6,084,911
Arkansas	10,044	2,548	1,522	2,163	3,811	199	2,498,547
California	95,678	16,937	15,178	33,074	30,489	729	37,180,162
Colorado	9,535	1,936	2,323	2,659	2,617	171	4,579,863
Connecticut	5,703	792	1,250	2,026	1,635	99	3,431,851
Delaware	3,376	824	763	1,400	389	53	897,934
District of Columbia	3,238	606	944	1,233	455	1	601,723
Florida	69,482	13,295	12,385	25,994	17,808	663	18,791,299
Georgia	20,287	5,160	3,580	5,553	5,994	458	7,659,917
Hawaii	1,953	170	421	642	720	3	1,207,055
Idaho	2,556	361	472	847	876	102	1,466,441
Illinois[2]	1,646	805	219	311	311	1	156,180
Indiana	5,496	514	662	1,171	3,149	286	4,464,937
Iowa	6,010	566	1,143	1,369	2,932	188	2,719,028
Kansas	7,354	2,016	1,545	2,274	1,519	236	2,641,509
Kentucky	5,056	1,060	869	1,976	1,151	330	4,066,139
Louisiana	14,895	3,501	2,409	3,742	5,243	172	3,916,237
Maine	794	48	157	235	354	167	1,328,361
Maryland	12,754	1,761	2,872	4,610	3,511	153	4,166,837
Massachusetts	20,904	2,043	4,770	10,749	3,342	320	6,135,892
Michigan	30,673	8,231	6,005	10,926	5,511	515	9,294,572
Minnesota	6,606	1,058	1,307	1,876	2,365	305	4,764,748

State	Total aggravated assaults[1]	Firearms	Knives or cutting instruments	Other weapons	Personal weapons	Agency count	Population
Mississippi	2,910	888	521	781	720	121	2,040,999
Missouri	18,676	5,368	2,407	4,750	6,151	578	5,819,912
Montana	1,781	278	256	532	715	96	839,025
Nebraska	3,230	531	505	1,378	816	211	1,669,683
Nevada	10,336	1,554	1,893	5,192	1,697	40	2,460,734
New Hampshire	1,220	202	401	328	289	150	1,153,610
New Jersey	13,764	2,101	3,113	4,320	4,230	578	8,713,262
New Mexico	8,578	1,669	1,474	2,779	2,656	88	1,873,990
New York	16,331	2,311	5,182	4,675	4,163	533	10,706,971
North Carolina	19,087	5,677	3,911	5,270	4,229	308	8,077,998
North Dakota	1,134	21	105	228	780	87	633,347
Ohio	14,061	3,511	2,687	4,463	3,400	444	9,605,351
Oklahoma	12,194	2,347	2,016	4,416	3,415	302	3,610,830
Oregon	5,499	614	1,033	1,894	1,958	140	3,347,382
Pennsylvania	25,145	4,984	3,841	6,324	9,996	1,264	12,290,455
Rhode Island	1,596	302	426	676	192	49	1,052,567
South Carolina	20,187	5,274	3,663	5,614	5,636	407	4,393,517
South Dakota	1,098	144	378	353	223	107	696,093
Tennessee	27,640	8,231	6,137	10,644	2,628	457	6,136,858
Texas	71,380	15,544	15,836	25,244	14,756	1,020	25,077,044
Utah	3,530	603	954	1,148	825	119	2,705,776
Vermont	439	49	84	72	234	67	524,847
Virginia	9,472	1,872	2,189	3,011	2,400	354	7,951,616
Washington	12,248	1,678	2,180	3,824	4,566	254	6,684,514
West Virginia	1,712	339	269	402	702	127	830,296
Wisconsin	7,962	1,764	800	1,564	3,834	342	5,262,535
Wyoming	847	79	156	263	349	65	559,126

[1]The number of aggravated assaults from agencies that submitted 12 months of data in 2010 for which breakdowns by type of weapon were included.
[2]Limited data were received.

TABLE 12-11
Robbery by State, Types of Weapons, 2010

State	*Total robberies*[1]	*Firearms*	*Knives or cutting instruments*	*Other weapons*	*Strong-arm*	*Agency count*	*Population*
Alabama	1,511	817	91	113	490	303	2,573,716
Alaska	584	153	53	55	323	35	694,439
Arizona	6,864	3,036	645	599	2,584	96	6,084,911
Arkansas	2,283	1,067	137	227	852	199	2,498,547
California	58,035	18,053	5,044	5,357	29,581	729	37,180,162
Colorado	3,068	1,119	308	383	1,258	171	4,579,863
Connecticut	3,483	1,164	377	297	1,645	99	3,431,851
Delaware	1,829	839	146	136	708	53	897,934
District of Columbia	3,914	1,563	246	209	1,896	1	601,723
Florida	26,071	11,105	1,730	2,206	11,030	663	18,791,299
Georgia	10,551	6,192	474	876	3,009	458	7,659,917
Hawaii	988	97	80	92	719	3	1,207,055
Idaho	213	61	26	25	101	102	1,466,441
Illinois[2]	495	240	20	60	175	1	156,180
Indiana	2,665	1,122	199	311	1,033	286	4,464,937
Iowa	995	274	95	104	522	188	2,719,028
Kansas	1,511	695	120	161	535	236	2,641,509
Kentucky	3,673	1,716	301	323	1,333	330	4,066,139
Louisiana	4,067	2,121	248	300	1,398	172	3,916,237
Maine	414	75	70	52	217	167	1,328,361
Maryland	6,809	3,266	552	342	2,649	153	4,166,837
Massachusetts	6,712	1,626	1,298	880	2,908	320	6,135,892
Michigan	11,238	5,523	524	909	4,282	515	9,294,572
Minnesota	3,088	1,011	234	399	1,444	305	4,764,748
Mississippi	2,278	1,422	97	190	569	121	2,040,999
Missouri	6,029	3,180	322	382	2,145	578	5,819,912
Montana	122	20	16	41	45	96	839,025

State	*Total robberies*[1]	*Firearms*	*Knives or cutting instruments*	*Other weapons*	*Strong-arm*	*Agency count*	*Population*
Nebraska	1,018	439	70	76	433	211	1,669,683
Nevada	4,844	1,722	450	427	2,245	40	2,460,734
New Hampshire	427	94	50	71	212	150	1,153,610
New Jersey	11,720	3,944	964	777	6,035	578	8,713,262
New Mexico	1,581	626	229	140	586	88	1,873,990
New York	8,770	2,540	1,004	970	4,256	533	10,706,971
North Carolina	8,540	4,419	551	769	2,801	308	8,077,998
North Dakota	89	12	5	10	62	87	633,347
Ohio	15,644	6,479	738	1,491	6,936	444	9,605,351
Oklahoma	3,293	1,503	268	262	1,260	302	3,610,830
Oregon	2,237	580	236	213	1,208	140	3,347,382
Pennsylvania	16,194	6,574	1,111	1,022	7,487	1,264	12,290,455
Rhode Island	780	198	78	106	398	49	1,052,567
South Carolina	4,780	2,656	313	388	1,423	407	4,393,517
South Dakota	147	18	24	27	78	107	696,093
Tennessee	8,309	4,682	598	711	2,318	457	6,136,858
Texas	32,809	16,280	2,716	2,745	11,068	1,020	25,077,044
Utah	1,262	349	173	132	608	119	2,705,776
Vermont	54	13	14	7	20	67	524,847
Virginia	5,651	2,955	365	552	1,779	354	7,951,616
Washington	5,906	1,446	537	583	3,340	254	6,684,514
West Virginia	235	66	32	34	103	127	830,296
Wisconsin	4,453	2,344	215	428	1,466	342	5,262,535
Wyoming	76	25	10	8	33	65	559,126

[1]The number of robberies from agencies that submitted 12 months of data in 2010 for which breakdowns by type of weapon were included.
[2]Limited data were received.

NOTES & QUESTIONS

1. Do the data on nonhomicide firearm crime change your assessment of the costs and benefits of private firearms ownership? Which way do the data cut? For example, if you believe that legal restrictions make it difficult for criminal aggressors to obtain firearms, can you make an argument for giving trustworthy people access to guns in order to thwart attacks by criminals likely to be armed with inferior tools? If you decide to allow trustworthy people access to guns for defense against lesser armed criminals, what unintended consequences might result?

2. In Tables 12-8 and 12-9 on Murder Circumstances, note the large number of homicides that result from "Other arguments." This includes domestic arguments, such as fights between a husband and wife. It also includes arguments among criminals, who, like everyone else, have acquaintances and colleagues with whom they sometimes argue.

3. Does the large number of murders and other crimes perpetrated with knives and other cutting instruments suggest a need for additional restrictions on their ownership or purchase? Would you support laws requiring that all new knives be made less dangerous, such as by rounding off the sharp points? To answer, do you want more data about types of knives used in homicides and other crimes? For additional discussion, See David B. Kopel, Clayton E. Cramer & Joseph Olson, *Knives and the Second Amendment*, 47 U.Mich.J.L. Reform 167, 181-84 (2013).

G. How Do Criminals Obtain Guns?

Criminal use of firearms often prompts the question, *where did the offender get the gun?* The worry about illegal guns purchased from retail outlets in one state and trafficked illegally to states with more stringent limits on retail sales has commanded much public attention. Indeed, restricting interstate transfers was a prime objective of the Gun Control Act of 1968.

The total number of guns "run" from one state to another is unknown. An incomplete indication comes from FBI trace data. One limitation of the trace data (as discussed in Section 12.A above) is that the guns selected by law enforcement for submission to the tracing system are predominately of recent manufacture. This reflects the fact that older guns typically cannot be traced effectively. There are two reasons for this. First, for guns manufactured before 1968 there may be no serial number records to facilitate a trace. Second, even many post-1968 guns will be several decades old and are likely to have had multiple private owners; therefore, the current owner cannot be effectively traced from Federal Firearms Licensee (FFL) sales data. For more on tracing, see Section A of this chapter.

There are at least three sources of guns that end up in crimes. One source is guns purchased lawfully from a retail seller, such as a gun shop or sporting goods store. A second source is guns acquired from secondary sales between private

parties. Survey estimates suggest that secondary sales account for 30 to 40 percent of gun transactions per year. These sales between private parties who are residents of the same state are legal under federal law so long as (1) on the seller's part, she legally possesses the gun and has no reason to believe that the buyer is not disqualified from purchasing, and (2) on the buyer's part, she is not disqualified from possessing firearms and has no reason to believe the gun is stolen. Federal law does not require formal background checks or recordkeeping for private sales of this kind. Some states, such as Maryland, place additional restrictions on private transfers. *See* Chapter 8.D.3.

A third source of crime guns is theft. Guns are stolen from manufacturers, importers, distributors, licensed dealers, private citizens, and even from police and other government agents. National Research Council, *supra*, at 74. The number of stolen guns cannot be known for sure, and estimates of annual gun thefts vary. Using data from 1987 through 1992, the National Crime Victim Survey estimated 340,700 stolen guns per year. National Research Council, *Firearms and Violence, supra*, at 74. Another study estimated 500,000 stolen guns per year. Philip J. Cook et al., *Regulating Gun Markets*, 86 J. Crim. L. & Criminology 59 (1995).

One of the most comprehensive and recent studies of how criminals acquire crime guns was conducted by Gary Kleck. The following is an abridged version of Kleck's assessment. The full version can be found online at http://www.uclalawreview.org/pdf/56-5-6.pdf.

Gary Kleck & Shun-Yung Kevin Wang,
The Myth of Big-Time Gun Trafficking and the Overinterpretation of Gun Tracing Data,
56 UCLA L. Rev. 123 (2009)

In recent years the gun control movement has increasingly shifted its efforts from lobbying for new gun-control legislation to facilitating lawsuits against the gun industry, especially those based on claims of negligent distribution of firearms. These lawsuits are based on the premise that organized gun trafficking, much of it involving corrupt or negligent licensed dealers, plays an important role in supplying guns to criminals. This paper first assesses the extant evidence bearing on this claim, as well as on underlying assertions as to how one can tell whether a crime gun has been trafficked or whether a licensed dealer is involved in trafficking. Law enforcement evidence indicates that high-volume trafficking is extremely unusual, and that average "traffickers" handle fewer than a dozen guns. The aggregate volume of guns moved by known traffickers is negligible compared to even low estimates of the number of guns stolen.

City-level data on crime guns recovered in fifty large U.S. cities in 2000 are then analyzed to investigate (a) whether supposed indicators of gun trafficking are valid, (b) what factors affect trafficking levels, (c) the impact of gun trafficking on gun possession levels among criminals, and (d) the impact of gun trafficking on crime rates. The findings suggest that most supposed indicators that a crime gun has been trafficked have little validity. One possible exception is whether a gun has an obliterated serial number (OSN). Using the share of crime guns with an OSN as a city-level indicator of the prevalence of gun

trafficking, the analysis showed that trafficking is more common where guns are scarcer. The analysis also showed that laws regulating the purchase of guns, including one-gun-a-month laws specifically aimed at trafficking, show no effect on trafficking activity. Finally, the research indicates that trafficking levels show no measurable effect on gun possession among criminals (measured as the share of homicides committed with guns), and generally show no effect on violent-crime rates. . . .

I. Gun Trafficking and the Flow of Guns to Criminals

The oft-stated assertion that gun traffickers supply many guns to criminals is trivial in the absence of any precise definition of a "gun trafficker." As used by ATF, the term refers to anyone who has ever unlawfully sold at least one gun. Similarly, Anthony Braga and Glenn Pierce use the term "gun trafficking enterprises" to encompass operations that have unlawfully sold even a single gun. The claim that there are many gun traffickers in this legalistic sense is unquestionably true, but largely devoid of policy implications. There is no doubt that unlawful selling of guns is commonplace in America, since gun theft is common, and most stolen guns are sold rather than kept by the thief. Every thief who sells some of the guns he steals is a trafficker in this legalistic sense, even if he sells no more than one gun a year. James Wright and Peter Rossi estimate, from the sample of prisoners they interviewed, that felons who had ever stolen a gun had stolen an average of about thirty-nine guns in their lives — fewer than four per year of their active criminal careers. As will be shown later, even the traffickers investigated by ATF sell, on average, fewer than fifteen guns over the entire course of their documented careers. Stopping even thousands of such occasional traffickers is unlikely to have much effect on the flow of guns to criminals, both because the share of "crime guns" that any one of these criminals is responsible for is so small, and because such small-scale operators are so easily replaced. . . .

The issue of volume is crucial — the greater the number of guns sold by a trafficker, the more likely it is that stopping his activities will reduce the availability of guns to criminals. In this Article, we will use the term "high-volume gun trafficker" to denote a person who unlawfully and persistently sells substantial numbers of guns for profit. Any numerical threshold would be arbitrary — the underlying reality is that the more that flows of guns to criminals are concentrated in relatively few high-volume trafficking channels, the more impact one could realistically expect from a strategy of disrupting illicit suppliers. If pressed to state a number, however, we would regard a person who sold one hundred or more guns annually as a "large-scale" trafficker.

Contrasting Models of the Movement of Guns to Criminals . . .

ATF often states in its publications that gun traffickers supply a "significant" share of guns to criminals, without defining what "significant" really means. Many scholars have likewise claimed that criminals regularly involved

in gun trafficking play an "important" role in channeling guns to criminals. These scholars have presented an image of relatively organized gun markets with significant numbers of high-volume traffickers, often operating in concert with corrupt or irresponsible licensed dealers who provide the traffickers with their supply of guns. Typical of such scholars, Philip Cook and Anthony Braga concede that diffuse (low-volume) sources channel many guns to criminals, but nevertheless insist that point sources (high-volume traffickers) are important in supplying guns to criminals.

This concentrated gun trafficking model holds that a significant share of guns are diverted from lawful commerce into the hands of criminals by the illegal activities of corrupt or negligent federal firearms licensees (FFLs) and unlicensed, criminal gun traffickers. . . . Many traffickers, according to this model, purchase guns — especially handguns — in large batches from corrupt or irresponsible dealers, especially those operating in states with relatively weak controls over gun selling and buying. This model is preferred by advocates of supply-side gun control strategies, since it promises significant reductions in criminal gun possession if high-volume traffickers or corrupt dealers can be stopped.

The case for the concentrated model relies heavily on vague claims about the significant amount of illegal diversion of guns by gun traffickers (very broadly defined) operating in illicit gun markets. Pierce and his colleagues provide a good example: "Our results indicate that a noteworthy percentage of the guns recovered in crime come rather directly from licensed dealers; in effect criminals are being supplied by dedicated 'pipelines' as well as the extant pool of guns." Nothing in the authors' results points to even an approximation of what this noteworthy percentage might be. The only percentages the authors cite pertain to the share of crime guns that possess various ambiguous characteristics believed to be indicators of trafficking, such as rapid movement of guns from first retail sale to recovery by police in connection with a crime. The authors report that "nearly a third" of their traced guns had two or more of ten purported indicators of gun trafficking, and hint that guns with this many indicators were likely to have been trafficked, but provide no evidence of this. They do not explain why having just two of these ambiguous indicators should be regarded as strong evidence that a gun was trafficked. None of their findings suggest that even 1 percent of crime guns had as many as half of the ten indicators that they considered . . .

Advocates of the concentrated gun trafficking model have never stated, in even the most approximate terms, what they mean by a significant share of crime guns being trafficked. They have never explicitly claimed, for example, that even as much as a tenth of crime guns are trafficked. They only assert that high-volume point sources are important in supplying guns to criminals, and they make it clear that they believe the trafficked share is large enough to justify the investment of more law enforcement resources focused on high-risk retail dealers and unlicensed traffickers.

The contrasting dispersed-gun-flow model assumes a highly dispersed market in which criminals obtain guns from a wide variety of largely interchangeable nontrafficker sources. In this view, criminals most commonly (1) obtain guns (directly or indirectly) as a by-product of thefts, primarily residential burglaries, that were not committed specifically for the purpose of obtaining guns; (2) buy guns one at a time from friends and relatives who neither regularly sell

guns nor act as straw purchasers; or (3) (if they have no criminal convictions) lawfully purchase guns from licensed dealers, to whom they are indistinguishable from noncriminal buyers. According to this model, high-volume or persistent traffickers are rare, and in the aggregate are of little significance in the arming of criminals. Those who sell guns illegally are not professionals, specialists, or part of criminal organizations devoted to gun trafficking, and they do not sell guns persistently or in large numbers. Illicit gun sellers are instead more likely to be thieves who sell a few guns (typically fewer than a half-dozen per year) along with all the other saleable property they steal, drug dealers who occasionally sell guns as a sideline to their drug business, or friends and relatives of the criminal recipient who do not regularly sell guns.

Thus, while many crime guns are supplied by black market or street sources, almost all of these are casual low-volume suppliers rather than high-volume point sources. Those holding to this model recognize that some criminals acquire guns legally from licensed dealers through legal purchases (because the criminals are not convicted felons, and do not show up as hits in background checks), while others may use straw purchasers to illegally buy guns from licensed retailers who have no way of recognizing the putative buyers as straws. But the model denies that either intentional criminal conduct or carelessness on the part of licensed retailers contributes significantly to such diversion of guns to criminals, or that such acquisitions are typically part of repeated efforts by traffickers to acquire guns to resell for profit. Instead, the dispersed flow model implies that people who act as straws for ineligible buyers do so only once or very rarely, rather than repeatedly on behalf of traffickers intent on accumulating a supply of guns to sell for profit.

William Vizzard, a political scientist who also served for twenty-seven years as an ATF agent, summarized his view of gun trafficking:

> Nothing in the available studies supports an assumption of a well-structured illicit market in firearms. Transactions appear to be casual and idiosyncratic. My own experience, and that of most other agents I have interviewed, supports an assumption that the majority of sources is very dispersed and casual, and regular traffickers in firearms to criminals are few.

Vizzard attributed the rarity of "regular traffickers in firearms" to the huge reservoir of guns in the United States, and the concomitant fact that criminals can easily draw on many different sources for guns. The existence of these conditions suggests that "there is little economic incentive for persons to specialize in the illegal gun trade." His discussion, however, leaves open the possibility that there could be such specialists in a few exceptional places, such as New York City, where gun laws are exceptionally restrictive and alternative sources of guns are unusually limited. It further leaves open the possibility that some criminals, such as drug dealers, might illegally sell a fairly large number of guns even though they do not specialize in the activity.

THE SCALE OF THE TOTAL FLOW OF GUNS TO CRIMINALS

It is impossible to meaningfully judge whether the volume of guns moved into criminal hands through a given channel is significant without at least a

rough sense of the total volume of guns acquired by criminals. A conservative estimate of the number of guns acquired by criminals can be obtained by beginning with estimates of the number of guns stolen each year, and then extrapolating that number to the total number of guns obtained by all methods, based on the share of their guns that criminals say they obtain by theft. The best available estimate of the number of annual gun theft incidents comes from the National Crime Victimization Survey (NCVS), which collects data on thefts, including incidents not reported to the police. The survey indicated that in the calendar year 2000 there were 174,680 gun theft incidents that people were willing to report to its interviewers, while the figure for 1993—a higher crime year—was 291,820. These estimates are almost certainly conservative because people are reluctant to report thefts of guns that they possess illegally, or whose legal status they are unsure of. The NCVS does not establish the number of guns stolen per incident. The largest national survey to estimate this parameter found that there were 2.2 guns stolen per gun theft incident. Thus, a conservative estimate of the number of guns stolen in 2000 would be 384,296, while the figure for 1993 would be 642,000. The NCVS's data indicate that about 53 percent of stolen guns are handguns, and thus imply that at least 203,677 handguns were stolen in 2000, and 340,260 in 1993.

The most extensive questioning of criminals on the sources of their guns indicated that felons had personally stolen 32 percent of their most recently acquired handguns. This implies that the total number of handguns acquired by criminals is about 3.125 times larger than the number of handguns stolen, and thus that about 636,490 handguns were acquired by criminals by all methods in 2000, and about 1.1 million in 1993. If the percent of all types of guns acquired by theft was the same as for handguns, these figures would imply that criminals acquired about 1.2 million guns of all types [in] 2000 and about 2.0 million in 1993. On the other hand, if one accepts at face value, as some scholars apparently do, the results of a 1997 federal survey of prison inmates who used or possessed a firearm during their current offense, which indicated that only 10 percent of criminals' handguns were acquired by theft, then the total number of guns acquired by criminals each year would necessarily be ten times as large as the number they stole—about 3.8 million in 2000 and 6.4 million in 1993. We regard such huge figures as implausible, and believe it is unlikely that inmates were fully reporting their gun theft activity to the federal government interviewers. If the ten-percent figure is a product of underreporting, then the theft share would be over ten percent, and the total number acquired by all means would be less than ten times the number stolen. In any case, even conservative estimates indicate that the number of handguns annually obtained by criminals by all methods exceeds 600,000 even in low-crime years. And since handguns claim only half of the guns obtained by criminals via theft, if the same applies to all methods of acquisition, criminals obtain, by all methods, at least 1.2 million guns of all types each year.

LAW ENFORCEMENT EVIDENCE ON THE PREVALENCE AND VOLUME OF GUN TRAFFICKING

The most direct, albeit limited, evidence on the extent of significant organized gun trafficking is law enforcement information gathered in

connection with the investigation of traffickers. As with many other types of criminals, much of what we know about gun traffickers is based on those who are arrested. Christopher Koper and Peter Reuter uncritically cite the assessment of unnamed federal officials that a gun running operation that handled 116 guns was "typical of the size of most gun running operations." However, traffickers handling this many guns are extremely rare among those caught by law enforcement, and a more typical volume would be fifteen or fewer guns sold per year. Although ATF places a high priority on catching high-volume traffickers, the agency was able to identify, over a two-and-a-half-year period (1996-1998), just thirty-seven trafficking operations in the United States in which over 250 guns were trafficked. Thus, on average, there were fewer than fifteen high-volume trafficking operations uncovered by ATF per year in the entire nation. Further, ATF uncovered only 104 trafficking operations that handled over a hundred guns, or about forty-two such operations per year. Thus, by any reasonable standard, ATF rarely uncovers large-scale gun trafficking operations.

It is possible, however, that local law enforcement agencies uncover many additional high-volume dealers, especially in places where political leaders prioritize going after gun trafficking. If big-time traffickers operate anywhere, one would expect to find them in New York City, given its huge size (and correspondingly large number of potential customers), its low level of legal handgun ownership, and its strict gun laws, which reduce the availability of legal handguns. Assuming that law enforcement agencies like to publicize their major successes, higher-volume trafficking cases should be reported in local newspapers once investigations are complete. However, an examination of all New York City daily papers over a 17-year period from 1990 through 2006 uncovered just six cases of trafficking operations purportedly involving a hundred or more guns, or about one such operation reported every three years in the nation's largest city. Only two of these operations were alleged to have trafficked over 140 guns.

Likewise, in Chicago, which like New York City bans the private possession of handguns, the police catch virtually no high-volume gun traffickers. . . .

These few high-volume operations are clearly the well-publicized exceptions, since average trafficking operations involve far fewer guns. In 2000, ATF initiated 1,319 trafficking investigations and estimated that the targeted operations had trafficked a total of 19,777 firearms, for an average of just fifteen guns per trafficking operation. Arithmetic means, however, are misleading, with highly skewed distributions such as these in which a handful of operations handling extremely large numbers of guns drive up the average. It follows that the median number of guns trafficked per operation is less than half the average, so a typical operation (one with a median volume) investigated in 2000 probably handled fewer than seven guns. Further, the average gun volume among all trafficking operations, including those not important enough to merit ATF investigation, would almost certainly be lower still. Although investigators may underestimate the number of the guns trafficked, the number that has been documented is clearly small. It also should be kept in mind that traffickers sell to virtually anyone with money, not just criminals, so the number of guns going to criminals is necessarily smaller than the total number trafficked.

What share of all guns acquired by criminals is supplied, then, by known traffickers? As noted above, the total number of guns known to have been trafficked by all traffickers investigated by ATF in 2000 was 19,777. We have

estimated that in that same year, criminals acquired a total of at least 1.2 million guns. Thus, even if one unrealistically assumed that all of the 19,777 guns known to have been trafficked by ATF-investigated traffickers were sold to criminals, and if all of these were trafficked in a single year, then at most this comprised 1.6 percent of the guns acquired by criminals in that year. More realistically, if traffickers sell indiscriminately to whoever will pay, and if they therefore sold only half of their guns to criminals, then these trafficked guns would comprise less than 1 percent of the guns acquired by criminals.

There are, however, traffickers unknown to police, and there may even be high-volume traffickers who are never caught. Law enforcement evidence, the best evidence available, cannot prove a negative, such as the assertion that virtually no high-volume traffickers operate. One can only say that the law enforcement agencies charged with uncovering such trafficking have discovered few large-scale operations, have not generated affirmative evidence of widespread high-volume trafficking, and have not supplied evidence that would support an affirmative claim that traffickers supply more than a tiny share of criminals' guns.

THE INVOLVEMENT OF LICENSED DEALERS IN TRAFFICKING

Do corrupt or negligent FFLs contribute significantly to the flow of illicit guns to criminals? . . .

Despite the relative ease of doing so, ATF discovered so little serious misconduct among FFLs that in all of fiscal year 1999 they revoked the licenses of only 20 FFLs in the entire United States — less than a fiftieth of one percent of the 103,942 total FFLs operating at that time. Even when ATF selectively focused extensive compliance inspections on 1,700 dealers thought to be more likely to be involved in gun trafficking because they displayed "a range of indicators of potential firearms trafficking," few of these were found to be involved in misconduct serious enough to merit revocation of their licenses. Of the 1,700 suspect dealers inspected in 1998, ATF revoked the licenses of just thirteen, in addition to seventy-five who surrendered their licenses, were placed out of business, or were denied renewal of their licenses.

Conversely, among 1,530 trafficking operations investigated by ATF during 1996-1998, only 8.7 percent involved trafficking by any FFLs. Thus, few FFLs are involved in trafficking, and few trafficking operations involve FFLs. . . . ATF cautions that their investigations "do not necessarily reflect typical criminal diversions of firearms." And this percentage almost certainly overstates the FFL share of trafficked guns given the greater ease of detecting criminal activity within a group that Cook and Braga rightly characterize as "vulnerable to ATF's capacities for regulation and enforcement."

ATF's caveat is more than merely pro forma — the agency clearly focuses disproportionately on more vulnerable investigative targets. To illustrate, 13.9 percent of ATF's 1996-1998 trafficking investigations were aimed at "gun shows and flea markets," even though the Census Bureau's 1997 Survey of State Prison inmates found that only 1.7 percent of gun criminals had obtained their crime guns from a gun show or a flea market. ATF was clearly not focusing its

investigations on gun show trafficking because this activity supplies a large share of crime guns. Rather, because gun shows are advertised, legal events, they may simply be easier to investigate than trafficking rings that operate secretly.

THE SIGNIFICANCE OF THE PRICES CRIMINALS PAY FOR GUNS

Data on prices paid for illegal guns also strongly suggest that FFL involvement in trafficking, whether knowing or negligent, is rare. Traffickers who buy guns, new or used, from FFLs at retail prices can only make a profit if they sell the guns at prices substantially higher than retail price. Further, given the need to pay straw purchasers for their services, when employed, and to cover transportation and other expenses, it is unlikely that traffickers could begin to turn a profit unless they sold guns for amounts well above — perhaps at least double — the retail price. Thus, if many criminals obtain guns through the efforts of traffickers working in this way, we should find that a large share of criminals buy guns at prices well above retail price. Interviews with criminals, however, indicate that the vast majority instead generally pay less than retail price for their guns. Joseph Sheley and James Wright found that 65 percent of inmates of juvenile correctional facilities and 74 percent of high school students paid less than $100 for their most recently acquired handgun, at a time (about 1990) when only a handful of handguns had a retail price under $100. Similarly, Wright and Rossi concluded, based on interviews with adult inmates, that even though criminals often possessed higher quality guns, they typically paid much less than retail, because "prices in the informal, gray, and black markets are heavily discounted, in all likelihood because of the predominance of stolen weapons in these markets." Thus, even though virtually all guns are sold at or near full retail price when they are new, by the time their ultimate criminal consumers acquire the guns, they generally are sold for much less. This evidence strongly suggests that traffickers were not responsible for moving the retail-priced guns from licensed dealers to criminals.

Occasional claims that criminals pay substantially above-retail prices for guns are supported only by isolated, unsubstantiated anecdotes, typically fed to uncritical reporters by ATF agents. For example, Philip Cook and his colleagues cite a newspaper article in which an ATF agent was quoted as asserting that for illegal handguns purchased in New York City there was a markup of "five times or more over the price in Virginia." These authors likewise cite unsubstantiated claims by journalists that handguns purchased for $50 in Ohio were sold for $250 in Philadelphia. The evidence for such journalistic claims usually turns out to be unverified anecdotes supplied by ATF agents. . . .

A rough estimate of the retail prices of handguns used by criminals in [New York, D.C., and Chicago] can be obtained from published ATF data on guns recovered and submitted for tracing. The ten most frequently recovered types of guns, classified by manufacturer, caliber, and general gun type (revolver, semi automatic pistol, and so forth) are listed in ATF reports. We looked up the suggested retail price of the least expensive model within each category (for example, the least expensive Ruger nine millimeter semiautomatic pistol) in the 1997 edition of Gun Digest, and conservatively assumed that this

was the average retail price of guns in each category. We weighted these prices by the number of crime guns in that category that were recovered and traced, in order to obtain an average retail price of the most popular crime guns recovered from criminals in each city. Even assuming conservatively that the least expensive handgun was used in each category, the average retail price of crime guns recovered in 1998 was $260 in New York City, $374 in Washington, D.C., and $237 in Chicago.

Thus, even in these exceptional urban areas with stringent gun controls, where traffickers are supposed to flourish, criminals pay under the retail price for handguns. Consequently, the notion that criminals could make significant profits by selling guns purchased at retail prices from FFLs is not plausible even in cities with unusually low gun ownership rates and unusually strict gun laws, such as New York, Washington, D.C. or Chicago. Traffickers who purchase guns at retail prices can, at best, profit only by selling to unusually ill-informed or poorly connected criminals, that is, the handful willing to pay far more than the average criminal in their city. The idea of such a trafficker profiting is even less plausible with regard to places where controls over gun sales are weaker, gun ownership (and thus gun theft) rates are higher, and traffickers therefore face more competition from legal dealer sales and from stolen guns.

II. How Do Criminals Get Guns?

THE SURVEY EVIDENCE

The richest sources of information on gun acquisition by criminals are surveys of incarcerated criminals. The findings from direct questioning of felons are consistent with the "dispersed" model of the movement of guns to criminals, which hypothesizes that offenders most commonly steal their own guns or buy them from friends, relatives, or acquaintances. The most detailed questioning of criminals about their methods of gun acquisition was conducted by James Wright and Peter Rossi, who found that theft was an especially important method. When asked how they had obtained their most recently acquired handgun, 32 percent of felons reported that they personally stole the gun. The prisoners were also asked if they believed that their most recently acquired handgun was stolen, and 46 percent stated that the weapon was "definitely stolen" (these inmates presumably included the 32 percent who reported having personally stolen the gun). Another 24 percent indicated the weapon was "probably stolen." Thus, the criminals believed that 46-70 percent of their handguns were stolen.

This study also found that criminals do not typically seek out guns to steal, but rather steal those they happen to come across in the course of criminal activity, most commonly thefts from homes or vehicles. . . .

EVIDENCE FROM TRACED CRIME GUNS

The belief in the importance of persistent, organized, or high-volume gun trafficking is largely based on indirect inferences from information on guns that

are seized or recovered from apprehended criminals and then traced by ATF. The process of tracing a gun works as follows: When a criminal is arrested and found to possess a gun, or when a gun is otherwise recovered by police and it is known or suspected to be a crime gun, law enforcement officers may submit a request to ATF for that gun to be traced. This means that its history is established, as officially recorded on various legal forms, hopefully up to the point of first retail sale—when it was first sold as a new gun. ATF typically does this by first contacting the manufacturer or importer (or, equivalently, by consulting a manufacturer's computer database supplied to ATF) in order to identify the distributor (wholesaler) to whom the gun was sold by the manufacturer or importer. ATF then contacts this distributor to establish the identity of the licensed retail dealer to whom the gun was sold. Finally, ATF contacts the retail dealer who sold the gun, in order to establish who first purchased the new gun. If all necessary records were completed and remain available, the gun can be traced as far back as its first private owner, at which point the paper trail ends, since ATF typically does not have access to records of transfers (including thefts) that occur after the first retail sale. A criminal who uses a gun to commit a violent crime is rarely the weapon's first retail purchaser, so tracing alone rarely identifies a previously unknown suspect. Indeed, most crime guns become available for tracing only because they were recovered from criminal possessors at the time of their arrest. ATF and local law enforcement agencies more commonly use trace data for the purpose of identifying unlicensed traffickers or high-risk potentially corrupt FFLs.

PUTATIVE GUN-TRAFFICKING INDICATORS

[In this section the authors evaluate ATF's process of using indicators that it believes are correlated with a heightened probability that a given crime gun was trafficked. They conclude that "ATF has not directly validated any of these indicators, for example, by demonstrating that it can efficiently differentiate trafficked guns from nontrafficked guns, or that it can identify dealers who were later found, through law enforcement investigation or inspection of dealer records, to be traffickers. Nor has ATF made any specific claims as to what share of trafficked guns or corrupt dealers are characterized by any given indicator. Scholars who use ATF's indicators have generally simply assumed their validity, based largely on ATF arguments as to why they should be associated with trafficking."]

OUT-OF-STATE (OOS) ORIGINS

Some traffickers or their straws buy significant numbers of guns in batches from sources in states with weaker gun control laws, and then sell the guns in high-control states. A significant volume of interstate gun smuggling would suggest that substantial numbers of crime guns were first purchased in a state different from the one in which police recovered them. It certainly is true that many guns used in crimes had previously been moved across state lines. Some

scholars, however, have overinterpreted this fact as signaling something about the prevalence of interstate gun smuggling. . . .

NYC provides a useful extreme case study, since an unusually large share of its crime guns have OOS origins — 84.5 percent of those traced in 2000, compared to 38 percent of guns recovered nationwide. Given that virtually no private citizen may legally buy handguns in NYC, it is scarcely surprising that few crime handguns were first purchased in NYC. Does interstate gun smuggling into NYC, however, account for this cross-state movement of guns, or could routine migration of gun owners produce the same result? Census Bureau data indicates that in 2000, 798,565 of NYC's residents had been born in a different state, 368,388 of them in the South. All of these NYC residents necessarily lived in a different state, and then moved to New York. Still other residents were born in New York, moved to another state, and then moved back to New York. In just the five-year period between 1995 and 2000, 301,243 people moved from a different state to NYC. These migrants presumably moved their possessions with them. If handgun ownership among these migrants was equal to U.S. average (at least 0.325 handguns per person), migrants born in other states would have moved about 260,000 handguns from other states into NYC, and recent migrants alone would have moved around 98,000 handguns just in the preceding five-year period, about 20,000 per year. At this rate, over a period of a single seventy-year human life span, 1.4 million OOS handguns would have been moved into the city, lending some credence to the admittedly extreme guess by the Intelligence Division of the New York Police Department that there were two million illegal handguns in the city in 1980. While some migrants who are both law-abiding and aware of New York's strict gun laws no doubt leave their handguns behind, others surely do not, either due to ignorance, or due to a judgment that retaining their handguns is more important than obeying gun laws. Among migrants, criminals would be especially likely to move their handguns with them, both because they are more willing to violate gun laws, and because they expect to need them for criminal activity and for self-protection.

As a standard of comparison, in 2003 a total of 3,666 violent crimes (homicides, robberies, and assaults) known to the police were committed with guns in NYC. Even if one implausibly assumed that each gun crime involved a different gun, thereby maximizing the number of crime-involved guns, the criminal population needed at most 3,666 guns to commit all of the known violent gun crimes in NYC.

These numbers do not suggest either that all of NYC's crime handguns actually do arrive through people moving to the city, or that 1.4 million handguns have actually arrived in the city in this way over the course of the past seventy years. But these numbers do establish that all handguns used in crime in a given year easily could have been arrived in this way, without any organized gun smuggling. Thus, routine cross-state migration of gun owners provides a credible alternative explanation for cross-state movement of the city's crime guns. Further, still other mechanisms besides interstate gun-running move guns across state lines. Any NYC resident can get a handgun if she or he has a friend or relative in another state who is willing to buy a handgun for them. A one-time straw purchase of this sort would be unlawful, but it would be misleading to label either participant a trafficker.

After arrival in the city, many guns will inevitably move into criminal possession through residential burglary, vehicle theft, and other thefts. The last large-scale victimization survey conducted in NYC estimated that there were 184,100 household burglaries in 1972, at a time when the city had about 2,832,036 occupied housing units. Thus, assuming no repeat victimization within a year, an average NYC residence had a 6.5 percent chance of being burglarized. Homes in high-crime neighborhoods, where handgun possession for self-protection may be higher, had a still higher risk of burglary. At this rate, a home containing a handgun would have about a 49 percent chance of being burglarized within a decade.

To be sure, gun smuggling does move at least a few handguns into NYC, given that law enforcement agencies occasionally uncover gun smuggling operations, albeit typically small-scale ones. There are evidently a few criminals who do not appreciate the difficulties of making a living from gun-running, particularly the risks associated with contacting large numbers of paying customers without coming to the attention of police. And the frequent news stories of guns being purchased "down South" for $100 and sold "on the streets" of NYC for $600 may inadvertently encourage occasional attempts at high-volume gun-running by especially naive criminals. Nevertheless, as previously noted, over the period from 1990 to 2006, only six trafficking operations that moved a hundred or more guns were reported in NYC newspapers — about one every three years. There is no evidence that the total number of guns trafficked into the nation's largest city in a typical year is more than a few hundred — a tiny number compared to the 20,000 or so handguns that could move into the city annually as a byproduct of the routine migration of gun owners.

If ordinary migration followed by gun theft, rather than gun smuggling, accounts for the vast majority of cross-state movement of crime guns, one would expect that crime guns with OOS origins would be especially likely to originate in states with high gun ownership rates, since a higher share of migrants from such states would own guns in the first place. ATF trace data indicate that this is indeed the observed pattern. For example, among NYC crime guns recovered in 2000, the leading source states were New York (15.5 percent), Virginia (14.0 percent), North Carolina (9.4 percent), and Georgia (9.2 percent). Based on 2001 state-level surveys, all of the three leading originating states had rates of household gun ownership higher than the national average. While some scholars have interpreted such patterns as indicating that OOS crime guns tend to originate in places with weaker gun laws, there is no evidence that weakness of gun laws in source states has any impact on the patterns of interstate movement of guns, independent of the higher gun-ownership levels that tend to prevail in those same states . . .

GUNS SOLD BY A DEALER WITH A HIGH TRACE COUNT . . .

The Attorney General of New York, Andrew Cuomo, made it clear during his 2006 election campaign that his planned policies for dealing with illegal guns were based on the belief that high trace counts indicate illegal behavior by gun dealers: "A wave of illegal guns has been breaking over New York for years.

Incredibly, 1 percent of gun dealers account for the majority of illegal guns [that is, traced guns]. We need to crack down on their illegal behavior and put them out of business."

The fact that many crime guns are traced back to a licensed dealer may appear damning, but for most such dealers, there are perfectly legitimate explanations for their high trace counts. First, if a dealer has a higher sales volume, it necessarily implies a larger number of guns at risk of coming into criminal possession through channels (such as theft from the owner) that are beyond the dealer's control. Thus, merely operating a successful business will increase the chances that a dealer will register a high trace count. A study of California FFLs found that just 11.7 percent of dealers accounted for 85.5 percent of traced crime handguns. This might suggest, as Mr. Cuomo apparently believed, that many of these FFLs must be criminal or irresponsible dealers — until one learns that these same dealers also accounted for 81.5 percent of all handgun sales. That is, their share of crime guns was only slightly higher than one would expect if the FFLs were lawful and responsible dealers, and sheer sales volume accounted for their high trace counts. A dealer-level analysis likewise found that sales volume alone accounted for most of the variation in dealers' trace counts.

Second, some FFLs do business in areas with higher crime rates, which leads to a larger share of the dealer's guns being stolen from their lawful purchasers, used in crimes, recovered by police, and traced by ATF. . . .

Consonant with these observations, ATF has long acknowledged that most licensed dealers to whom crime guns have been traced have been found to have been "operating within the confines of Federal law, and the vast majority of the illegal acts relating to these firearms occurred on the part of the individual purchasers" and not the dealers. Even Philip Cook and Anthony Braga, who strongly favor using tracing to uncover trafficking, conceded that "the number of traces to a particular FFL is only a rough indicator of the likelihood that the FFL is engaging in negligent or criminal sales practices." Even this weak endorsement of trace counts as an indicator of trafficking, however, cannot be justified, since the ability of high trace counts to efficiently identify corrupt FFLs has never been empirically demonstrated.

OBLITERATED SERIAL NUMBER (OSN)

ATF is typically circumspect in its claims about the validity of the trafficking indicators it employs, for example, stating that short TTR [time to recovery] "suggests illegal diversion" or that "acquisition of handguns in multiple sales can be" a trafficking indicator. In sharp contrast, ATF flatly states that "the obliteration of the serial number on a crime gun is a key criminal indicator of trafficking," and that "crime guns with obliterated serial numbers are likely to have been trafficked." Braga and Pierce echo this assessment, unequivocally describing OSN as "a clear indicator of gun trafficking." An OSN probably is the strongest available indicator of trafficker involvement in a gun's movement, since there are powerful motives for traffickers to efface serial numbers, while few people who are not traffickers have equally strong reasons for doing so. Obliteration not only definitively establishes that a criminal possessed the gun at some time (effacing a serial number is itself a crime), but also constitutes

strong evidence that some past possessor wanted to obstruct the tracing of the gun, and thereby prevent it from being linked with past, presumably illegal, transfers. . . .

BIASES IN SAMPLES OF TRACED GUNS

Experts have repeatedly concluded that the guns traced by ATF are not a representative sample of crime guns, and cannot provide a reliable picture of the modes of acquisition most frequently used by criminals or the paths of distribution that crime guns most often follow. For example, the National Research Council's Committee to Improve Research Information and Data on Firearms flatly concluded that "trace data cannot show whether a firearm has been illegally diverted from legitimate firearms commerce." It further concluded that studies based on this data "cannot show what happened in between [the first retail sale and recovery by law enforcement]: whether a firearm was legitimately purchased and subsequently stolen, sold improperly by a licensed dealer, or any other of a myriad of possibilities." . . .

The problem is not merely that traced guns do not constitute a random sample of crime guns, and thus might be unrepresentative of crime guns generally. Rather, the processes by which guns are selected for tracing are known to systematically bias samples of crime guns in ways that tend to exaggerate the share of guns characterized by putative trafficking indicators. The biased selection occurs at two stages: (1) when police choose to request ATF traces for some guns and not others, and (2) when ATF is able to successfully trace some guns submitted for tracing but not others. When police recover crime guns, their primary motive for submitting the guns for tracing is to help identify possible traffickers (and occasionally other types of criminals). It therefore is sensible for law enforcement officers to favor tracing guns that show initial indications of trafficker involvement. . . . There might also be a preference for tracing newer models of guns, or guns that, based on limited wear, look newer, since tracing older guns has less investigative value — it is unlikely that identifying the person who bought a gun when it was new ten or twenty years ago would help identify a current trafficker. ATF has explicitly acknowledged that there is more law enforcement value in tracing newer guns: "Short time-to-crime guns have the most immediate investigative potential for law enforcement officials because they are likely to have changed hands less frequently."

One implication of this bias in favor of guns with a short TTR is that unwary analysts may misinterpret data on samples of traced guns as indicating that a large percentage of crime guns move directly from retail sale as new guns into the hands of criminals, even if the large share of guns with a short TTR is largely a reflection of the fact that police see little value in tracing older guns. . . .

Samples of guns submitted for tracing may also under-represent guns with in-state origins because law enforcement personnel in states with their own gun-registration systems can use those systems to trace in-state guns, turning to ATF mostly for tracing of out-of-state guns along with a few in-state guns that were not successfully traced by the state's databases. Such a systematic bias would artificially inflate the out-of-state share. . . .

Further, types of guns that are of especially strong political interest and subject to heightened media attention may also be overrepresented among guns selected by police for tracing. Failure to fully appreciate this bias in traced-gun samples has lead [*sic*] to unwarranted conclusions in past research. For example, Travis and Smarrito claimed that assault weapons (AWs) were "disproportionately involved in criminal activity," based entirely on samples of traced guns, which over-represent AWs. Likewise, Christopher Koper and Jeffrey Roth concluded that national trends in trace requests suggest that criminal use of AWs declined after the federal assault weapons ban was passed. In sharp contrast, Koper's and Roth's data on all AWs recovered by police (not just those submitted to ATF for tracing) indicated that there were no significant declines in the AW share of crime guns in the wake of the federal ban. Thus the decline in AW trace requests may merely have been an artifact of a decline in police interest in tracing AWs once the AW problem was "solved" by passage of the federal AW ban and once news media interest in the issue declined. . . .

In addition to police preferences for submitting trace requests on guns with certain traits, ATF has its own policies concerning which guns it will trace, and these policies further bias samples of traced guns. At various times in the past, ATF would not routinely trace guns more than five (or ten, or twenty) years old, which skewed the distribution so that nearly all traced guns were relatively new, no matter how common older guns were in the entire population of recovered crime guns. For example, in a 1999 report, ATF stated that their National Tracing Center's "policy was not to trace firearms manufactured before 1990, unless specifically requested by a law enforcement management official" — that is, no tracing of guns more than nine years old. . . .

Even if police really did submit all recovered guns for tracing, only an unrepresentative subsample could be successfully traced to the point where the presence or absence of various potential indicators of trafficking can be established. For example, a gun must be successfully traced to its first retail sale in order to establish whether this sale occurred in a state different from the one in which it was recovered, or to determine how long ago the sale occurred, thereby establishing TTR. ATF, however, will not even initiate traces on older guns unless a law enforcement executive makes a special request, or the dealer that sold the gun has gone out of business and the records of their transfers can be found in ATF's out-of-business dealer files. Thus, among the 88,570 guns for which police in forty-four cities requested a trace in 2000, ATF did not even begin a trace for 12.8 percent of them, in most cases because the gun was too old. Among the guns for which ATF did initiate a trace, another 33.6 percent could not be successfully traced to their first retail purchaser. And for at least 10.7 percent of all trace requests, a trace could not be completed to the first retail purchaser for reasons clearly related to the gun being older (it had been produced or imported by a manufacturer or importer no longer in business, the twenty-year record retention period had expired, or records were otherwise no longer available). . . .

CONCLUSION

The model of criminal gun acquisition underlying lawsuits based on claims of negligent distribution is largely a myth, composed in part of rare and

unrepresentative anecdotes about a handful of genuinely corrupt licensed gun dealers and misinterpreted ATF trace data. In contrast, the following conclusions are supported by the strongest prior research on the movement of guns to criminals, and the results of the empirical research reported in this paper:

1. Time-to-recovery (TTR, or "time-to-crime") measures are not trafficking indicators. They more likely are indirect indicators of the gun theft rate, with which they are far more strongly correlated.
2. High trace counts for FFLs are not indicators of trafficking by FFLs. They are, first, indirect measures of gun dealer sales volume and of local gun ownership levels. In places where there are more gun owners, there are more guns sold by licensed dealers, and eventually more guns stolen and found in the possession of criminals. Second, high trace counts are indirect measures of the rates of gun theft prevailing in the areas served by the FFLs. No research has ever shown high trace counts to be even weakly correlated with a dealer's identification as a trafficker once one holds constant the dealer's sales volume and gun theft rates prevailing in the areas served by the dealer.
3. The only variable that is likely to be a strong city-level measure of gun trafficking activity is the prevalence of obliterated serial numbers (OSNs) among recovered crime guns.
4. Illicit gun selling is almost all done at a very low volume. Typical trafficking operations uncovered by law enforcement authorities handle fewer than seven guns each, and ATF uncovers fewer than fifteen high-volume (greater than 250 guns) operations in the entire nation each year.
5. High-volume trafficking, with or without the involvement of corrupt or negligent FFLs, probably supplies less than 1 percent of criminals' guns.
6. Trafficking, if validly measured by OSN prevalence, has no measurable effect on levels of gun possession among criminals, as measured by the percent of homicides committed with guns, and has no effect on violent crime rates. One likely explanation would be that nearly all traffickers' potential criminal customers have other sources of guns (especially the pool of locally stolen guns) and are not dependent on traffickers.
7. These specific conclusions logically lead to the broad policy conclusion that even the best-designed strategies aimed at reducing gun trafficking are unlikely to have any measurable effect on gun possession among criminals or on violent crime rates. In particular, lawsuits intended to make the firearms industry rein in gun trafficking involving the knowing complicity or negligence of licensed dealers are unlikely to have such effects.

We can learn something about the potential of such strategies by considering evaluations of existing programs aimed at reducing trafficking. Perhaps the best known effort to reduce gun violence by going after traffickers was the Boston Gun Project, implemented in 1996-1999. The academic architects of the Project have conceded that criminal gun possession probably did not decline in Boston, and that much-touted short-term drops in gang homicide could not be attributed to the "law enforcement attack on illicit firearms

traffickers," since criminal cases against traffickers were made only after the drops in gang homicide had already occurred. They also conceded that they had no firm evidence that "supply-side enforcement strategies have any measurable impacts on gun violence," though they nevertheless argued that these efforts somehow "increased the 'effective price' for new handguns."

Their basis for this last claim was that the share of Boston's crime guns that were new (recovered within three years of initial sale) declined during the Project's implementation from 1996 to 1999, a drop that they interpreted as a decline in the trafficking of new handguns. In fact, this decline paralleled a 50 percent decline in the city's burglary rate over the same period, a decline that began years before the Project started. As soon as the burglary decline ended in 1999, the decline in the new gun share of Boston's crime guns also promptly stopped. Thus, the decline in new handguns that the authors perceived as evidence of a decline in one type of gun trafficking was more likely due to a drop in the burglary rate, and thus the gun theft rate.

Similarly dubious interpretations of trends in short-TTR guns afflict[ ] the efforts of Webster, Bulzacchelli, Zeoli, and Vernick to assess the impact of police stings directed at suspect FFLs in Chicago, Detroit, and Gary, Indiana in the late 1990s. The authors concluded that the stings caused a decline in Chicago in corrupt FFLs channeling guns to criminals, based on the declining share of traced crime guns that were recovered from a criminal who was not the original possessor, and that had a short TTR (this share increased nonsignificantly in Gary). The authors failed to note, however, that over the period studied, 1996-2001, the burglary rate declined by 39 percent in Chicago and 62 percent in Detroit, implying similarly huge drops in gun thefts, which would in turn result in fewer crime guns with a short TTR. Thus, the patterns among traced crime guns that the authors observed could be entirely due to the decline in gun theft rather than stings of licensed dealers.

Theft is central to criminal gun acquisition. Interviews with incarcerated felons indicate that most guns acquired by criminals were probably stolen at some time in the past. Most gun theft is a by-product of residential burglary and other thefts from private owners. Less than two percent of stolen guns are stolen from dealers and other licensees. Only 12,302 gun thefts from FFLs were reported in 1997, compared to about 618,000 total gun thefts, based on victim survey estimates. Unlike gun sales by traffickers, every gun theft by definition places a gun directly and immediately into criminal hands. Further, the known volume of gun theft is many times higher than any evidence-based estimate of the volume of trafficked guns.

One could speculate that even though virtually all known traffickers handle very small numbers of guns, there are many high-volume dealers who are too smart or lucky to be caught. One might also speculate that even though trafficked guns known to authorities are few in number, traffickers actually sell large numbers of undiscovered guns. One could also speculate that, unknown to criminal buyers, a large share of the guns they bought had been moved by professional traffickers further back in the chain of possession. There is, however, no affirmative evidence to support any of these speculations. The view that organized or large-scale trafficking is important in arming American criminals is based not on strong evidence but rather on (1) claims phrased in terms so vague and ill-defined as to render the assertions meaningless or trivial,

(2) isolated anecdotes about unrepresentative, extremely rare large-scale trafficking operations uncovered by law enforcement authorities, and (3) dubious interpretations of highly ambiguous gun trace data. These are not sound bases for making public policy.

NOTES & QUESTIONS

1. Kleck's assessment indicates that states with more guns will have more stolen guns. Does this suggest that the resources spent on interdicting gun traffickers would be better allocated to policing gun theft? If so, what regulatory measures can you think of to reduce the number of gun thefts? Think about and discuss the following measures in terms of their likely effectiveness and whether they would violate the right to keep and bear arms:
   - A safe storage law that imposes civil penalties on any victim of gun theft who fails to report the theft to the police within 48 hours of learning of the theft.
   - A safe storage law that requires firearms to be locked away unless the owner was inside the home.
   - A safe storage law that requires all guns to be stored in a safe securely attached to the structure of the home (e.g., bolted to the wall or floor), unless the owner is inside the home.
   - A rule imposing an automatic civil penalty on any victim of gun theft who cannot show that the gun was stored in accordance with the law.

2. Based on Kleck's research, what other changes would you suggest in laws or law enforcement strategy to more effectively interdict gun trafficking?

H. Race, Gun Crime, and Victimization

Blacks, particularly young Black males, are disproportionally victims and the perpetrators of violent crime. In the excerpt below, William Oliver summarizes the problem.

William Oliver, The Structural-Cultural Perspective: A Theory of Black Male Violence in Violent Crime, *in* Violent Crime: Assessing Race and Ethnic Differences 280 (Darnell F. Hawkins ed., 2003)

The disproportionate rates of violent crime found among African Americans have been described in numerous studies and reports. For example, the FBI reports that in 1998, African Americans, who constitute 13 percent of the general population, were overrepresented among persons arrested for murder (53 percent), robbery (55 percent), aggravated assault (30 percent) and assault (34 percent). (U.S. Department of Justice, 1998). A significant characteristic of

violent crime in the United States is that most violent incidents tend to involve an intraracial victim-offender relationship pattern. That is, individuals who commit acts of violence generally commit these acts against members of their own racial group. For example, in 1998, 94 percent of black murder victims were slain by black offenders. Similarly in 1998, 87 percent of white murder victims were slain by white offenders (U.S. Department of Justice 1998) . . .

The most revealing data regarding the disproportionate impact that violent crime is having on African Americans, particularly black makes is the data on homicide victimization. According to the FBI, in 1998, black males represented 38 percent of known homicide victims, followed in descending order by white males (35 percent), white females (14 percent) and black females (9 percent) (U.S. Department of Justice 1998). High rates of homicide among African Americans also have been reported in compilations of health statistics. According to data compiled by the National Center for Health Statistics (1998), black males had a homicide death rate of 52.6 per 100,000 in 1996, whereas white males had a homicide death rate of 4.7 per 100,000 (National Center for Health Statistics, 1998).

As a group, violence researchers generally regard individuals in the age range between fifteen and twenty-four as the most murder prone. However, there are significant differences between black and white males of this age in terms of their homicide risk. For example, white males fifteen to twenty-four years of age had a homicide death rate of 6.4 per 100,000 in 1996, whereas black males of this age range had a homicide death rate of 123 per 100,000, nearly twenty times greater than similarly aged white males. Moreover, for every age range, black males have higher rates of homicide death than their white male counterparts of the same ages.

A significant trend in homicide patterns involves the increasing youthfulness of homicide offenders and victims. Young black males experienced dramatic increases in both homicide victimization and offending rates in the late 1980s and early 1990s (Fox and Zawitz, 1998). For example, the number of homicide victims in the fifteen to twenty-four age group increased nearly 50 percent between 1975 and 1992. Moreover, in 1987, homicide accounted for 42 percent of all deaths among young black males. Persons between the ages of fifteen and nineteen experienced the greatest increases in the rate of death due to homicide in this period (Fingerhut et al. 1992). Since 1991, homicide rates have been declining among all race-sex subgroups in the United States. However it is important to note that in spite of the declining homicide rates among black males, homicide remains the leading cause of death among black males between fifteen and twenty four years of age.

The phenomenon described by Oliver is illuminated by the data in Tables 12-12 to 12-14. They illustrate the most recent data about how the violent and some nonviolent crime rate vary by race. All of the tables are from the FBI's 2010 Uniform Crime Reports. Note that the tables show arrests rather than final disposition. Table 12-12 shows overall arrests broken out by race. Table 12-13 shows data for the same offenses counting only offenders under the age of 18. Table 12-14 breaks out the data for adults (age 18 and over). The data on the percentage of arrestees by racial group reflects most vividly the worry expressed in the narrative above.

TABLE 12-12
Total Arrests by Race, 2010

Arrests
by Race, 2010

[12,221 agencies; 2010 estimated population 240,100,189]

	Total arrests					*Percent distribution*[1]				
Offense charged	*Total*	*White*	*Black*	*American Indian or Alaskan Native*	*Asian or Pacific Islander*	*Total*	*White*	*Black*	*American Indian or Alaskan Native*	*Asian or Pacific Islander*
TOTAL	**10,177,907**	**7,066,154**	**2,846,862**	**145,612**	**119,279**	**100.0**	**69.4**	**28.0**	**1.4**	**1.2**
Murder and nonnegligent manslaughter	8,641	4,261	4,209	91	80	100.0	49.3	48.7	1.1	0.9
Forcible rape	15,503	10,178	4,925	214	186	100.0	65.7	31.8	1.4	1.2
Robbery	87,587	37,906	48,154	617	910	100.0	43.3	55.0	0.7	1.0
Aggravated assault	317,435	202,275	106,382	4,854	3,924	100.0	63.7	33.5	1.5	1.2
Burglary	225,775	152,210	69,541	1,961	2,063	100.0	67.4	30.8	0.9	0.9
Larceny-theft	998,476	687,609	282,246	14,323	14,298	100.0	68.9	28.3	1.4	1.4
Motor vehicle theft	55,278	35,009	18,797	696	776	100.0	63.3	34.0	1.3	1.4
Arson	8,766	6,592	1,978	100	96	100.0	75.2	22.6	1.1	1.1
Violent crime[2]	429,166	254,620	163,670	5,776	5,100	100.0	59.3	38.1	1.3	1.2
Property crime[2]	1,288,295	881,420	372,562	17,080	17,233	100.0	68.4	28.9	1.3	1.3
Other assaults	1,004,273	659,171	318,117	14,848	12,137	100.0	65.6	31.7	1.5	1.2
Forgery and counterfeiting	60,538	40,167	19,350	342	679	100.0	66.4	32.0	0.6	1.1
Fraud	144,214	95,126	46,493	1,253	1,342	100.0	66.0	32.2	0.9	0.9
Embezzlement	12,930	8,568	4,037	88	237	100.0	66.3	31.2	0.7	1.8
Stolen property; buying, receiving, possessing	74,122	48,303	24,494	598	727	100.0	65.2	33.0	0.8	1.0
Vandalism	197,015	145,284	46,306	3,279	2,146	100.0	73.7	23.5	1.7	1.1

Offense charged	Total arrests					Percent distribution[1]				
	Total	White	Black	American Indian or Alaskan Native	Asian or Pacific Islander	Total	White	Black	American Indian or Alaskan Native	Asian or Pacific Islander
Weapons; carrying, possessing, etc.	123,278	71,772	49,443	874	1,189	100.0	58.2	40.1	0.7	1.0
Prostitution and commercialized vice	48,154	26,156	20,405	342	1,251	100.0	54.3	42.4	0.7	2.6
Sex offenses (except forcible rape and prostitution)	56,125	41,406	13,182	744	793	100.0	73.8	23.5	1.3	1.4
Drug abuse violations	1,270,443	846,736	404,609	8,766	10,332	100.0	66.6	31.8	0.7	0.8
Gambling	7,512	2,160	5,071	32	249	100.0	28.8	67.5	0.4	3.3
Offenses against the family and children	84,812	56,233	26,470	1,533	576	100.0	66.3	31.2	1.8	0.7
Driving under the influence	1,082,301	927,516	124,467	13,980	16,338	100.0	85.7	11.5	1.3	1.5
Liquor laws	396,942	329,895	47,529	14,129	5,389	100.0	83.1	12.0	3.6	1.4
Drunkenness	440,688	362,396	66,837	8,583	2,872	100.0	82.2	15.2	1.9	0.7
Disorderly conduct	480,080	305,154	162,521	8,415	3,990	100.0	63.6	33.9	1.8	0.8
Vagrancy	24,759	14,092	9,935	567	165	100.0	56.9	40.1	2.3	0.7
All other offenses (except traffic)	2,877,687	1,905,436	893,018	43,634	35,599	100.0	66.2	31.0	1.5	1.2
Suspicion	903	582	310	5	6	100.0	64.5	34.3	0.6	0.7
Curfew and loitering law violations	73,670	43,961	28,036	744	929	100.0	59.7	38.1	1.0	1.3

[1]Because of rounding, the percentages may not add to 100.0.

[2]Violent crimes are offenses of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

TABLE 12-13
Arrests by Race for Offenders Under the Age of 18, 2010

Arrests
by Race, 2010 Continued

[12,221 agencies; 2010 estimated population 240,100,189]

	Arrests under 18					*Percent distribution*[1]				
Offense charged	*Total*	*White*	*Black*	*American Indian or Alaskan Native*	*Asian or Pacific Islander*	*Total*	*White*	*Black*	*American Indian or Alaskan Native*	*Asian or Pacific Islander*
TOTAL	**1,281,738**	**849,251**	**399,249**	**15,760**	**17,478**	**100.0**	**66.3**	**31.1**	**1.2**	**1.4**
Murder and nonnegligent manslaughter	781	332	439	4	6	100.0	42.5	56.2	0.5	0.8
Forcible rape	2,181	1,369	787	15	10	100.0	62.8	36.1	0.7	0.5
Robbery	21,062	6,670	14,046	101	245	100.0	31.7	66.7	0.5	1.2
Aggravated assault	34,879	19,612	14,482	418	367	100.0	56.2	41.5	1.2	1.1
Burglary	51,135	31,539	18,657	400	539	100.0	61.7	36.5	0.8	1.1
Larceny-theft	221,901	143,791	70,833	2,912	4,365	100.0	64.8	31.9	1.3	2.0
Motor vehicle theft	12,223	6,721	5,166	172	164	100.0	55.0	42.3	1.4	1.3
Arson	3,552	2,677	784	39	52	100.0	75.4	22.1	1.1	1.5
Violent crime[2]	58,903	27,983	29,754	538	628	100.0	47.5	50.5	0.9	1.1
Property crime[2]	288,811	184,728	95,440	3,523	5,120	100.0	64.0	33.0	1.2	1.8
Other assaults	162,389	96,994	61,847	1,694	1,854	100.0	59.7	38.1	1.0	1.1
Forgery and counterfeiting	1,306	873	404	8	21	100.0	66.8	30.9	0.6	1.6
Fraud	4,557	2,700	1,753	52	52	100.0	59.2	38.5	1.1	1.1
Embezzlement	341	212	119	3	7	100.0	62.2	34.9	0.9	2.1
Stolen property; buying, receiving, possessing	11,564	6,486	4,865	80	133	100.0	56.1	42.1	0.7	1.2
Vandalism	60,265	46,992	11,858	747	668	100.0	78.0	19.7	1.2	1.1
Weapons; carrying, possessing, etc.	24,355	15,112	8,771	178	294	100.0	62.0	36.0	0.7	1.2

	Arrests under 18					Percent distribution[1]				
Offense charged	*Total*	*White*	*Black*	*American Indian or Alaskan Native*	*Asian or Pacific Islander*	*Total*	*White*	*Black*	*American Indian or Alaskan Native*	*Asian or Pacific Islander*
Prostitution and commercialized vice	804	306	476	9	13	100.0	38.1	59.2	1.1	1.6
Sex offenses (except forcible rape and prostitution)	10,082	7,228	2,640	71	143	100.0	71.7	26.2	0.7	1.4
Drug abuse violations	132,481	98,039	31,575	1,425	1,442	100.0	74.0	23.8	1.1	1.1
Gambling	1,039	86	942	3	8	100.0	8.3	90.7	0.3	0.8
Offenses against the family and children	2,948	2,114	746	72	16	100.0	71.7	25.3	2.4	0.5
Driving under the influence	9,290	8,468	532	156	134	100.0	91.2	5.7	1.7	1.4
Liquor laws	75,397	66,720	5,288	2,360	1,029	100.0	88.5	7.0	3.1	1.4
Drunkenness	10,003	8,862	850	221	70	100.0	88.6	8.5	2.2	0.7
Disorderly conduct	120,514	69,470	48,808	1,283	953	100.0	57.6	40.5	1.1	0.8
Vagrancy	1,690	1,282	391	5	12	100.0	75.9	23.1	0.3	0.7
All other offenses (except traffic)	231,223	160,564	64,120	2,588	3,951	100.0	69.4	27.7	1.1	1.7
Suspicion	106	71	34	0	1	100.0	67.0	32.1	0.0	0.9
Curfew and loitering law violations	73,670	43,961	28,036	744	929	100.0	59.7	38.1	1.0	1.3

[1]Because of rounding, the percentages may not add to 100.0.

[2]Violent crimes are offenses of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

TABLE 12-14
Arrests by Race for Adults (Age 18 and Over)

Arrests
by Race, 2010 Continued

[12,221 agencies; 2010 estimated population 240,100,189]

	Arrests 18 and over					*Percent distribution*[1]				
Offense charged	*Total*	*White*	*Black*	*American Indian or Alaskan Native*	*Asian or Pacific Islander*	*Total*	*White*	*Black*	*American Indian or Alaskan Native*	*Asian or Pacific Islander*
TOTAL	**8,896,169**	**6,216,903**	**2,447,613**	**129,852**	**101,801**	**100.0**	**69.9**	**27.5**	**1.5**	**1.1**
Murder and nonnegligent manslaughter	7,860	3,929	3,770	87	74	100.0	50.0	48.0	1.1	0.9
Forcible rape	13,322	8,809	4,138	199	176	100.0	66.1	31.1	1.5	1.3
Robbery	66,525	31,236	34,108	516	665	100.0	47.0	51.3	0.8	1.0
Aggravated assault	282,556	182,663	91,900	4,436	3,557	100.0	64.6	32.5	1.6	1.3
Burglary	174,640	120,671	50,884	1,561	1,524	100.0	69.1	29.1	0.9	0.9
Larceny-theft	776,575	543,818	211,413	11,411	9,933	100.0	70.0	27.2	1.5	1.3
Motor vehicle theft	43,055	28,288	13,631	524	612	100.0	65.7	31.7	1.2	1.4
Arson	5,214	3,915	1,194	61	44	100.0	75.1	22.9	1.2	0.8
Violent crime[2]	370,263	226,637	133,916	5,238	4,472	100.0	61.2	36.2	1.4	1.2
Property crime[2]	999,484	696,692	277,122	13,557	12,113	100.0	69.7	27.7	1.4	1.2
Other assaults	841,884	562,177	256,270	13,154	10,283	100.0	66.8	30.4	1.6	1.2
Forgery and counterfeiting	59,232	39,294	18,946	334	658	100.0	66.3	32.0	0.6	1.1
Fraud	139,657	92,426	44,740	1,201	1,290	100.0	66.2	32.0	0.9	0.9
Embezzlement	12,589	8,356	3,918	85	230	100.0	66.4	31.1	0.7	1.8
Stolen property; buying, receiving, possessing	62,558	41,817	19,629	518	594	100.0	66.8	31.4	0.8	0.9
Vandalism	136,750	98,292	34,448	2,532	1,478	100.0	71.9	25.2	1.9	1.1
Weapons; carrying, possessing, etc.	98,923	56,660	40,672	696	895	100.0	57.3	41.1	0.7	0.9

Offense charged	Arrests 18 and over					Percent distribution[1]				
	Total	White	Black	American Indian or Alaskan Native	Asian or Pacific Islander	Total	White	Black	American Indian or Alaskan Native	Asian or Pacific Islander
Prostitution and commercialized vice	47,350	25,850	19,929	333	1,238	100.0	54.6	42.1	0.7	2.6
Sex offenses (except forcible rape and prostitution)	46,043	34,178	10,542	673	650	100.0	74.2	22.9	1.5	1.4
Drug abuse violations	1,137,962	748,697	373,034	7,341	8,890	100.0	65.8	32.8	0.6	0.8
Gambling	6,473	2,074	4,129	29	241	100.0	32.0	63.8	0.4	3.7
Offenses against the family and children	81,864	54,119	25,724	1,461	560	100.0	66.1	31.4	1.8	0.7
Driving under the influence	1,073,011	919,048	123,935	13,824	16,204	100.0	85.7	11.6	1.3	1.5
Liquor laws	321,545	263,175	42,241	11,769	4,360	100.0	81.8	13.1	3.7	1.4
Drunkenness	430,685	353,534	65,987	8,362	2,802	100.0	82.1	15.3	1.9	0.7
Disorderly conduct	359,566	235,684	113,713	7,132	3,037	100.0	65.5	31.6	2.0	0.8
Vagrancy	23,069	12,810	9,544	562	153	100.0	55.5	41.4	2.4	0.7
All other offenses (except traffic)	2,646,464	1,744,872	828,898	41,046	31,648	100.0	65.9	31.3	1.6	1.2
Suspicion	797	511	276	5	5	100.0	64.1	34.6	0.6	0.6
Curfew and loitering law violations	-	-	-	-	-	-	-	-	-	-

[1]Because of rounding, the percentages may not add to 100.0.
[2]Violent crimes are offenses of murder and nonnegligent manslaughter, theft, motor vehicle theft, and arson.

It seems to be a common assumption that high rates of violent crime in Black neighborhoods started in the 1960s. But the data show that the Black homicide rate has actually been high in earlier decades, too. While the overall national homicide rate in 1925 was 10 per 100,000 population, Justice Research and Statistics Association, Crime and Justice Atlas 38 (2000), Table 12-15 shows that the homicide rate among Blacks in certain cities was many times higher. These data reflect a time where a racist neglect of crime in the Black community was a central concern. Researchers assessing the data below noted that the city fathers of Memphis explained that "most of the murders were of negroes by negroes, so the police and government could not be held responsible." Harold M. Rose & Paula McClain, Black Homicide and the Urban Environment, Final Report, Grant #5 RO1 MH 29269-02, Submitted to Center for Minority Group Mental Health Programs, National Institute of Mental Health 175 (Jan. 1981).

TABLE 12-15
Homicide Rates among the Black Population in Selected Cities 1925

City	*Rate per 100,000*
Chicago	102.8
Detroit	113.6
Cleveland	101.2
Pittsburg	54.4
Philadelphia	61.2
Boston	21.4
Cincinnati	189.7
Indianapolis	56.7
Newark	36.2
San Francisco	17.7
Atlanta	107.3
Houston	46.6
Dallas	99.4
Memphis	129.1
New Orleans	75.0
Birmingham	104.5
Miami	207.9
Richmond	28.5
Baltimore	39.3
Washington	31.5

Source: Harold M. Rose & Paula McClain, Black Homicide and the Urban Environment, Final Report, Grant #5 RO1 MH 29269-02, Submitted to Center for Minority Group Mental Health Programs, National Institute of Mental Health (Jan. 1981) at 174-75, citing H.C. Bearley, Homicide in the United States (1932).

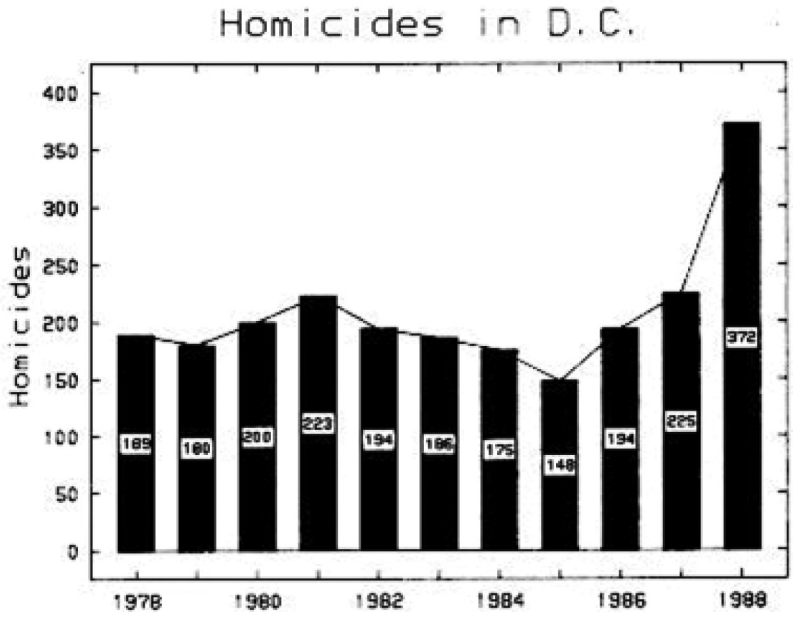
1. Experience in Washington, D.C.

During the late 1980s and the 1990s, Washington, D.C., often had the highest homicide rate of any major American city. Blacks were disproportionally both victims and perpetrators of these homicides. The following report from 1988 is one assessment of the problem.

Claire Johnson, Public Information Specialist, Homicide in the District of Columbia

Office of Criminal Justice Plans and Analysis, Washington, D.C.

. . . The problem of homicide and violence has intensified in the District and now is the focus of national attention. . . . In the District, the number of homicides has increased from 148 in 1985 to 225 in 1987. The homicide rate continued its rise in 1988 and reached an all-time high of 372.



Graph 1

Victims of homicide over the past four years were most likely to be black males between 18 and 25 years of age. Toxicology data indicate that 63 percent of the victims had some type of drug or alcohol in their systems at the time of their deaths. In 1988, about 45 percent of the victims were found to be using cocaine. This is a remarkable increase from 1985 when 15 percent of victims were found with cocaine in their systems.

Persons arrested for homicide were most likely to be black males between 18 and 24 years of age. In 1987, 30 percent of the arrestees tested positive for cocaine while 18 percent tested positive for PCP.

A greater proportion of homicides took place on weekend days and most homicides occurred between 9:00 p.m. and 3:00 a.m. In this six-hour interval, the largest percentage of homicides occurred between 9:00 p.m. and midnight.

Guns are overwhelmingly the weapon of choice in the District and nationally. Based on evidence confiscated by police, nine millimeter guns are the most common. Over the past three years, about two thirds of the District's homicide victims were killed with handguns. About one fourth were killed by stabbing.

Most homicide victims knew their assailants. While the victim-assailant relationship[s] in the majority of cases in the study period remain unknown, of those reported, most victims were the relatives, friends, or acquaintances of their assailants.

Since 1985, about 66 percent of the victims were killed at their own residence with the majority occurring outside rather than inside. From January to June, 1988, 30 percent of the victims were killed outside their own residences, 34 percent were found inside, and 36 percent were killed away from home.

Data collected on homicide motives, when they could be determined, show some significant changes over the past several years. During 1985, 33 percent of homicides resulted from altercations and arguments while 14 percent were robbery-related and 11 percent drug-related. By June 1988, the percentage of drug-related homicides increased to 80 percent while homicides resulting from altercations and arguments declined to seven percent.

The specter of violence-ridden streets, where acts of violence have become daily routines, is casting a shadow of fear and despair over many neighborhoods. While recent increases in violent crime and particularly homicide seem to be a result of numerous factors, the primary cause appears to be linked to the mushrooming illicit drug trade that has overwhelmed both the District and the rest of the nation.

In the District both assailants and victims are most likely to be young adult black males from areas containing a high proportion of low-income families. The lure of fast money and an exciting lifestyle seems to draw many young people into the drug subculture.

The proliferation of lethal weapons has also played a role in the rise of homicides. Recent police seizures of weapons indicate a greater availability of high-caliber and semi-automatic guns, which has resulted in a higher proportion of mortal gunshot wounds.

The illicit drug market produces a subculture where members create their own code of ethics and the means to enforce it. There is no legal recourse for unpaid bills in the drug world. There are no boards or committees in place to settle territorial disputes, and there is no police response when drug funds or goods are stolen. Members of the drug subculture turn to violence as the most efficient and effective solution to their problems. Failure to meet a challenge with violence in this subculture may jeopardize a person's control and may encourage others to take advantage of that person when opportunities arise.

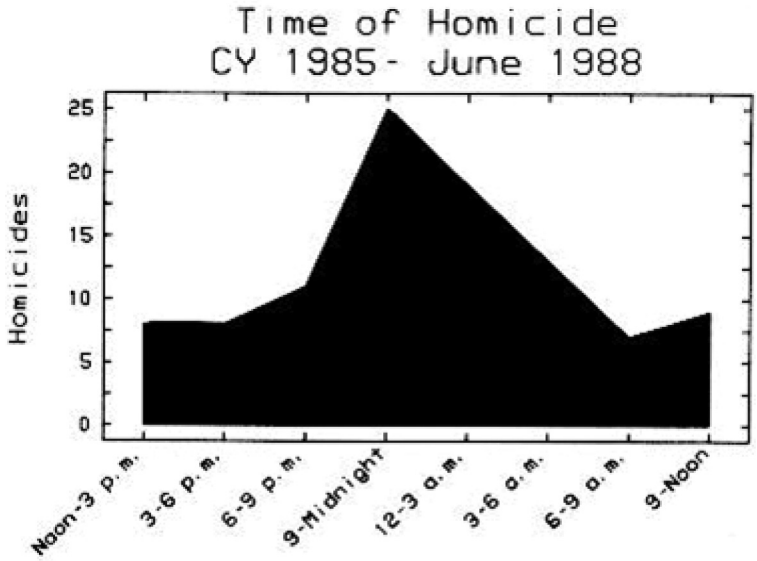
A purpose of this report is to heighten awareness of the homicide problem in professional arenas as well as among the public at large, and provide information that will help to develop new strategies for addressing this problem. This report gives support for several program and policy changes.

One demand of police by the public is to increase patrols in public areas. Findings from this report indicate that most homicides occur in and directly

around residences and that few killings occur in public areas. This suggests that increased patrolling of public areas would only minimally impact homicide occurrences.

Because of the high percentage of drug-related homicides in the District, law enforcement and prosecutorial resources might be better utilized by gathering intelligence data and infiltrating organized groups in the drug distribution networks in order to identify those persons designated as "enforcers." Such persons are likely homicide assailants and could be targeted for surveillance and investigation.

Additionally, the fact that most homicides occur in certain areas and between 9:00 p.m. and 3:00 a.m. suggests that a combination of increased patrols and curfews in select areas and at select times could possibly deter some homicides.



Graph 2

While there are strict gun control laws in the District, the lack of such legislation in surrounding jurisdictions makes it easy for anyone to obtain a weapon. Guns are, by far, the weapon of choice, are appearing in the streets in greater quantities, and the types of firearms used are becoming more sophisticated. The implication here is that present gun control efforts are inadequate and that a regional approach must be pursued. Since 9-mm weapons are most popular, perhaps greater restrictions on their manufacture and sale will have impact on reducing homicide.

Often, when a social problem worsens and there is no improvement over a period of time, the general public develops a new level of tolerance. It is imperative that violence and homicide never become accepted as uncontrollable and unavoidable elements in the District or other city's communities, and that fear, despair, and loss of life never become tolerated as a part of daily living

experiences. It is essential that the homicide problem be kept in focus by the public and that the various segments of the community come together to meet the challenge of reducing homicide and violence.

2. Problem of Intra-Racial Violent Crime

The disproportionate rate of Black victimization is explained by the fact that most violent crime is intraracial. Because Blacks are disproportionately the perpetrators of violent crime it is predictable that Blacks will be disproportionately victims. The difficult question is why are Blacks disproportionate perpetrators. William Oliver summarizes the diverse attempts at an answer:

> Numerous explanations have been offered, including biological causes (e.g., head injuries) (Bell, 1987); social disorganization and inadequate socialization (Shaw and McKay, 1942); poverty and economic inequality (Blau and Blau, 1982); racial oppression and displaced aggression (Johnson, 1941; Poussaint, 1983); adherence to the norms of a subculture of violence (Wolfgang and Ferracuti, 1967); joblessness and family disruption (Sampson, 1987); the cheapening of black life as a result of the imposition of lenient sentences against blacks who assault or murder blacks (Hawkins, 1983); and involvement in self-destructive lifestyles centered around heavy drinking (Harper, 1976; Hary, 1986); drug abuse and drug trafficking (Goldstein et al., 1989) and street gangs (Block and Block, 1993; Decker and VanWinkle, 1996). Theoretical explanations of black male violence have generally emphasized the significance of structural factors (Staples, 1974; Hawkins, 1983) or cultural factors (Frazier, 1939; Wolfgang and Ferracuti, 1967).
>
> Although they represent a minority viewpoint, some criminologists maintain that racial differences in violent crime offending may stem from genetic/nonacquired biological factors (Hirschi and Hindelang, 1977; Ellis and Walsh, 1997).

William Oliver, *The Structural-Cultural Perspective: A Theory of Black Male Violence in* Violent Crime: Assessing Race and Ethnic Differences 280 (Darnell F. Hawkins ed., 2003).

Another theory is that gun makers have engaged in negligent manufacturing, marketing, and distribution practices that disproportionately burden Blacks. This was the theory of a failed 1999 lawsuit by the NAACP against the American firearms industry. The lawsuit did not claim that the presence of guns turned law-abiding Black people into criminals; rather, it claimed that the too-easy availability of guns made all criminals more dangerous, and made it more likely that Black victims would die. It is undoubtedly true that a criminal with a gun is usually more dangerous than a criminal with some other weapon. At the same time, higher firearm density does not correlate with higher firearm crime. For example, a study of youth homicides found a very high homicide rate increase for inner-city Black teenagers; but in the suburbs, small towns, and rural areas, where legal restrictions on guns are generally less severe, the youth firearms homicide rate has remained relatively low. *See* Lois A. Fingerhut et al., *Firearm and Nonfirearm Homicide among Persons 15 through 19 Years of Age: Differences by Level of Urbanization, United States, 1979 through 1989*, 267 JAMA 3048 (1992).

3. Firearms Policy and the Black Community

Does the very serious problem of urban crime make Blacks disproportionately likely to favor gun control laws? Among elected officials, the answer is "yes." As detailed in Chapter 8, since the late 1960s, many big-city Black mayors, and most members of the Congressional Black Caucus, have been leading advocates for gun control.

The toll that gun violence takes on Blacks (see Appendix for comparative victimization by race) might be expected to generate attitudes about firearms policy within the Black community at large that are discernibly different from the rest of the population. When asked in 2010, "What is more important — to protect the right of Americans to own guns, OR to control gun ownership?" 64 percent of Blacks said it was more important to control gun ownership, while 27 percent said that protecting rights was more important. Pew Research Ctr., Views of Gun Control — A Detailed Demographic Breakdown (Jan. 13, 2011). In contrast, 54 percent of Whites said that it was more important to protect the right to own guns. *Id.* In 2009, the Black split was 71 percent for control and 21 percent for rights. In 2008, the split was 74/22. These results support the intuition that exposure to higher levels of gun crime would engender support for gun control. The results are also consistent with the polling data in Section M indicating increased support for gun rights among the American public in recent years.

A 2012 poll measuring approval or disapproval of the National Rifle Association found that 55 percent of Blacks approved of the NRA, compared with 68 percent of the overall U.S. population. Approval of the NRA might be considered a rough proxy for overall support of gun rights, especially for defensive ownership of firearms. *See* Posting of David B. Kopel to Volokh.com, *Public Opinion about the National Rifle Association* (June 2, 2012, 10:08 P.M.).

Yet not all polling data show higher Black support for gun control. "Race predicts attitudes toward handgun bans," observed a 1993 study. "Nonwhites were found to be more likely to oppose handgun bans than white respondents. . . . However race did not predict support for or opposition to permits or registration." Pauline Brennan, Alan Lizotte, & David McDowall, *Guns, Southernness and Gun Control*, 9 J. Quantitative Criminology 289, 304 (1993).

NOTES & QUESTIONS

1. Both *Heller* (Chapter 9) and *McDonald* (Chapter 9) involved Black plaintiffs living under municipal gun bans who sued for the right to obtain a legal handgun for self-defense. Otis McDonald was the lead plaintiff in *McDonald*; Shelly Parker was the lead plaintiff in *Parker v. District of Columbia*, 478 F.3d 370 (D.C. Cir. 2007), in the lower courts, but the case became *District of Columbia v. Heller* in the Supreme Court, after the D.C. Circuit ruled that all the plaintiffs except Dick Heller lacked standing. If a blanket gun ban does not prevent criminals from getting guns, what is the argument for disarming people like McDonald and Parker? For a detailed discussion of this and related questions, see Nicholas J. Johnson, *Firearms Policy and the Black Community: An Assessment of the Modern Orthodoxy*, 45 Conn. L. Rev. 1491 (2013) and various responses in the 2013 *Commentary* issue of the Connecticut Law Review, 45 Conn. L. Rev. 1491-1840 (2013).

2. Many commentators are highly critical of the U.S. criminal justice system's incarceration policy. *See, e.g.*, Michelle Alexander, The New Jim Crow: Mass Incarceration in the Age of Colorblindness (2012). During the first half of the twentieth century, some civil rights activists argued that disproportionate rates of Black crime were a result of neglect by state and local governments and police who ignored intraracial Black crime. This was evident in the efforts of the Black leaders from the Mississippi Delta on the Committee for Better Citizenship. The goal of the Committee was to "ensure greater punishment for Black criminals who committed offenses against Blacks." David T. Beito & Linda Royster Beito, Black Maverick: T.R.M. Howard's Fight for Civil Rights and Economic Power 67-68 (2009). Physician, entrepreneur, and Delta civil rights leader T.R.M. Howard complained that failure of the state to punish Black on Black crime was another indictment of separate but equal, arguing that the "greatest danger to Negro life in Mississippi is not what white people do to Negroes but what the courts of Mississippi let Negroes of Mississippi do to each other." Black on Black murder, for example, was likely to go unaddressed if the perpetrator lived on "a big plantation and is a good worker and especially, if he is liked by white people, the chances are that he will come clear of his crime." *Id.* at 73 (citing Mississippi Regional Council of Negro Leadership, Prospectus, at 13-14). E. Franklin Frazier's 1924 account strikes a similar chord: "The main difficulty in the South today is that white people have not attained a conception of impersonal justice. In the South a Negro who is the favorite of an influential white man can kill another Negro with impunity. On the other hand, a white man can kill any Negro without any fear of punishment, except where he kills out of pure blood-thirstiness, a 'good nigger.' The killing of a white man is always the signal for a kind of criminal justice resembling primitive tribal revenge." E. Franklin Frazier, *The Negro and Non-Resistance*, The Crisis, Mar. 1924, at 213-214, *reprinted in* Herbert Apkether, 3 A Documentary History of the Negro People in the United States 451 (1951). For the view that state malevolence and neglect exacerbated intra-group violence by Blacks who were wary about entanglements with the white power structure, see, for example, Hortense Powdermaker, After Freedom: A Cultural Study of the Deep South (1939).

Are the two concerns summarized here mutually exclusive? What other factors might account for the disproportionate rates of violent crime and victimization among Blacks. Is the trend consistent with other identified legacies of racism? Is racism a convincing explanation?

3. Recall the discussion of "Stop and Frisk" in *Terry v. Ohio*, 392 U.S. 1 (1968) (Chapter 8.D.5). Some public officials complain that stop-and-frisk tactics result in a disproportionate number of arrests of young Black and Hispanic men being stopped on the suspicion of having a weapon, and then found with small amounts of marijuana. Acknowledging the potentially lifelong impairment of employment opportunities that result from such arrests, some persons have urged reductions in stop-and-frisk tactics, or have supported decriminalization of possession of small amounts of marijuana. *E.g.*, Thomas Kaplan, *Cuomo Seeks Cut in Frisk Arrests*, N.Y. Times, June 4, 2012, at A1. Michelle Alexander argues that U.S. incarceration policy has produced a *de facto* caste system in which large numbers of Black men have lost a variety

of civil rights (e.g., voting and gun rights). *See* Alexander, *supra*. The federal courts have begun to grapple with the issue. *See Floyd v. City of New York*, 2013 WL4046209 (S.D.N.Y. Aug. 12, 2013) (holding that New York city's stop-and-frisk policy violated Fourth and Fourteenth Amendment rights of African-American and Hispanic plaintiffs; ordering extensive injuctive relief); *In re Reassignment* of cases, 736 F.3d 118 (2d cir. Nov. 13, 2013) (staying the order of injuctive relief and reassigning the "stop and frisk" civil rights litigation to a different federal district judge). Do you think the costs of stop and frisk (in terms of higher arrest rates for young minority men) are worth the benefits? Would you favor decriminalizing possession of small amounts of marijuana discovered in these stops? Recall from Chapter 8 that the Gun Control Act prohibits illegal drug users from purchasing firearms. *See* 18 U.S.C. §922(d)(3). If marijuana possession were decriminalized by the state of New York, would marijuana users be permitted to purchase firearms? As a policy matter, *should* marijuana use strip a person of the right to have arms for self-defense?

4. Are you surprised to learn that the Black homicide rate has been high in the past as well as the present? The city-specific homicide data from 1925 do not specify whether firearms were used. Compare the data from 1925 to Claire Johnson's suggestion that the increase in the D.C. homicide rate was due to the increased availability of a new class of more powerful semi-automatic firearms. Note also Johnson's suggestion to limit manufacturing or sale of 9mm handguns in response to the fact that the 9mm is a gun commonly used by D.C. criminals. What are the strengths and weaknesses of such an approach? Assuming no political obstacles, can you devise a better policy?

I. Youth Crime

Young people, especially young men, are the predominant perpetrators of violent crime. Indeed, one explanation for the drop in violent crime in the 1980s was the aging of the large cohort of Baby Boomers out of this crime-prone age range. The Tables below illustrate these trends. The first, Table 12-16, shows Arrests for Violent Crime by Age. Table 12-17 shows ten-year arrest trends for violent crime and gun crime by gender. Table 12-18 shows murder *victims* by age for 2010.

Like adult crime, juvenile crime is predominately perpetrated by males. According to the FBI, "[n]early three-quarters (74.5 percent) of the persons arrested in the Nation during 2010 were males. They accounted for 80.5 percent of persons arrested for violent crime and 62.4 percent of persons arrested for property crime." Table 12-17 shows arrest rates by gender for juveniles and adults.

Table 12-18 breaks out murder victims by age and instrument used.

The vast majority of young murderers, like their older counterparts, commit other types of crimes as well. A Los Angeles study showed that gangs had a role in 80 percent of all adolescent homicides. Office of Juv. Just. & Delinq. Prevention, Report to Congress on Juvenile Violence Research 14 (July 1999).

TABLE 12-16
Arrests for Violent Crime by Age

Arrests
by Age, 2010
[12,222 agencies; 2010 estimated population 240,103,394]

Offense charged	Total all ages	Ages under 15	Ages under 18	Ages 18 and over	Under 10	10-12	13-14	15	16	17	18	19	20	21	22	23	24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65 and over
TOTAL	**10,223,558**	**349,695**	**1,288,615**	**8,934,943**	**8,205**	**75,408**	**266,082**	**244,042**	**317,280**	**377,598**	**468,670**	**499,103**	**478,530**	**437,741**	**400,218**	**373,511**	**356,577**	**1,517,930**	**1,118,681**	**868,570**	**791,328**	**715,851**	**481,553**	**242,547**	**108,665**	**75,468**
Total percent distribution[1]	**100.0**	**3.4**	**12.6**	**87.4**	**0.1**	**0.7**	**2.6**	**2.4**	**3.1**	**3.7**	**4.6**	**4.9**	**4.7**	**4.3**	**3.9**	**3.7**	**3.5**	**14.8**	**10.9**	**8.5**	**7.7**	**7.0**	**4.7**	**2.4**	**1.1**	**0.7**
Murder and nonnegligent manslaughter	8,667	73	784	7,883	0	7	66	119	239	353	543	581	515	523	426	393	347	1,430	938	643	469	418	292	180	95	90
Forcible rape	15,586	717	2,198	13,388	7	195	515	393	505	583	730	787	692	686	552	534	466	2,123	1,682	1,514	1,240	1,012	652	340	200	178
Robbery	87,771	3,936	21,110	66,661	36	558	3,342	4,179	6,052	6,943	7,724	6,938	5,769	4,751	3,894	3,318	2,836	10,827	6,689	4,553	3,875	2,970	1,546	647	225	99
Aggravated assault	318,340	10,917	35,001	283,339	302	2,849	7,766	6,355	8,245	9,484	11,378	12,065	12,199	12,710	12,077	11,609	11,227	50,899	38,920	30,025	26,832	23,505	15,392	7,626	3,794	3,081
Burglary	226,325	14,019	51,298	175,027	438	3,024	10,557	9,832	12,539	14,908	17,244	15,315	12,597	10,622	8,861	7,896	7,345	28,587	19,461	14,373	12,881	10,375	5,940	2,252	851	427
Larceny-theft	1,002,466	63,254	223,207	779,259	1,097	14,001	48,156	43,189	54,510	62,254	66,064	56,984	47,531	39,961	34,635	30,887	29,023	121,393	88,339	69,742	65,086	57,350	37,858	18,986	8,692	6,728
Motor vehicle theft	55,426	2,465	12,268	43,158	20	273	2,172	2,707	3,443	3,653	3,798	3,176	2,605	2,269	2,021	1,872	1,791	7,663	5,650	4,150	3,476	2,533	1,322	537	181	114
Arson	8,806	2,105	3,578	5,228	204	726	1,175	588	452	433	355	295	283	243	214	185	173	757	674	457	459	492	304	173	99	65
Violent crime[2]	430,364	15,643	59,093	371,271	345	3,609	11,689	11,046	15,041	17,363	20,375	20,371	19,175	18,670	16,949	15,854	14,876	65,279	48,229	36,735	32,416	27,905	17,882	8,793	4,314	3,448
Violent crime percent distribution[1]	100.0	3.6	13.7	86.3	0.1	0.8	2.7	2.6	3.5	4.0	4.7	4.7	4.5	4.3	3.9	3.7	3.5	15.2	11.2	8.5	7.5	6.5	4.2	2.0	1.0	0.8
Property crime[2]	1,293,023	81,843	290,351	1,002,672	1,759	18,024	62,060	56,316	70,944	81,248	87,461	75,770	63,016	53,095	45,731	40,840	38,332	158,400	114,124	88,722	81,902	70,750	45,424	21,948	9,823	7,334
Property crime percent distribution[1]	100.0	6.3	22.5	77.5	0.1	1.4	4.8	4.4	5.5	6.3	6.8	5.9	4.9	4.1	3.5	3.2	3.0	12.3	8.8	6.9	6.3	5.5	3.5	1.7	0.8	0.6
Other assaults	1,008,509	61,754	163,370	845,139	1,750	16,329	43,675	31,534	35,546	34,536	32,388	33,398	34,214	37,215	36,052	34,773	33,563	150,766	117,254	94,565	84,132	72,242	45,331	21,460	9,742	8,044
Forgery and counterfeiting	60,841	163	1,314	59,527	5	31	127	173	304	674	1,663	2,358	2,807	2,540	2,581	2,642	2,603	11,730	9,371	6,988	5,580	4,339	2,504	1,107	453	261
Fraud	144,956	756	4,585	140,371	20	117	619	690	1,203	1,936	3,403	4,725	5,173	4,764	4,828	4,728	4,781	23,806	21,537	18,715	15,726	12,578	7,996	4,169	2,016	1,426
Embezzlement	13,020	19	349	12,671	0	1	18	20	80	230	584	804	828	730	630	572	557	1,962	1,486	1,344	1,156	850	614	320	166	68
Stolen property; buying, receiving, possessing	74,313	2,561	11,608	62,705	46	414	2,101	2,335	3,069	3,643	4,973	4,621	3,935	3,602	2,983	2,665	2,601	10,968	8,045	5,786	4,922	3,853	2,213	935	356	247
Vandalism	197,850	23,470	60,591	137,259	1,091	6,369	16,010	11,416	12,822	12,883	12,098	10,397	9,180	8,684	7,505	6,565	6,059	23,568	15,710	11,040	9,522	7,900	4,823	2,254	1,040	914
Weapons; carrying, possessing, etc.	123,719	8,170	24,518	99,201	418	2,202	5,550	4,331	5,434	6,583	7,550	7,411	6,345	5,934	5,478	4,911	4,607	18,450	11,749	7,684	6,067	5,281	3,714	2,034	1,094	892
Prostitution and commercialized vice	48,281	91	804	47,477	1	5	85	112	208	393	1,392	1,885	2,159	2,068	2,097	1,830	1,778	7,691	6,262	5,858	5,486	4,600	2,435	1,040	472	424
Sex offenses (except forcible rape and prostitution)	56,332	4,896	10,147	46,185	181	1,392	3,323	1,738	1,767	1,746	2,303	2,110	1,843	1,854	1,625	1,445	1,269	5,969	5,338	4,798	4,770	4,415	3,336	2,133	1,389	1,588
Drug abuse violations	1,273,963	23,016	132,921	1,141,042	152	2,799	20,065	23,223	35,320	51,362	78,870	81,842	75,454	66,334	58,533	53,265	50,088	205,638	140,490	97,100	83,584	72,150	46,057	20,732	7,651	3,254
Gambling	7,533	118	1,040	6,493	1	5	112	161	305	456	501	507	463	371	298	288	242	883	598	461	505	375	437	229	159	176
Offenses against the family and children	85,213	964	2,982	82,231	50	222	692	556	717	745	1,483	1,698	1,887	2,290	2,372	2,580	2,755	14,803	14,692	12,477	10,373	7,615	4,262	1,795	678	471
Driving under the influence	1,087,987	171	9,352	1,078,635	25	20	126	335	2,141	6,705	19,764	29,313	34,499	50,104	49,872	48,905	47,523	198,928	140,950	111,499	102,248	98,081	70,997	40,360	21,013	14,579
Liquor laws	400,608	7,451	75,889	324,719	54	653	6,744	11,353	21,337	35,748	65,538	73,739	62,188	10,469	7,346	5,570	4,758	17,850	13,222	11,794	13,734	15,094	12,138	6,685	2,931	1,663
Drunkenness	442,392	1,231	10,030	432,362	19	88	1,124	1,659	2,357	4,783	11,511	13,333	13,572	20,295	18,149	16,586	15,602	66,140	49,173	41,725	45,697	50,741	38,159	19,690	7,913	4,076
Disorderly conduct	482,991	44,481	121,276	361,715	616	10,720	33,145	24,762	26,675	25,358	21,257	19,305	18,748	22,141	19,131	16,686	15,566	58,233	40,419	31,512	29,816	29,909	20,695	10,195	4,617	3,485
Vagrancy	24,839	474	1,690	23,149	6	66	402	404	474	338	1,162	1,134	948	765	671	604	557	2,461	1,989	2,005	2,542	3,192	2,713	1,506	567	333
All other offenses (except traffic)	2,892,023	54,165	232,702	2,659,321	1,422	9,477	43,266	45,685	60,060	72,792	94,346	114,338	122,037	125,767	117,348	112,156	108,422	474,259	357,948	277,672	251,097	223,940	149,797	75,149	32,263	22,782
Suspicion	904	25	106	798	1	1	23	15	33	33	48	44	59	49	39	46	38	146	95	90	53	41	26	13	8	3
Curfew and loitering law violations	73,897	18,233	73,897	-	243	2,864	15,126	16,178	21,443	18,043	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

[1] Because of rounding, the percentages may not add to 100.0.

[2] Violent crimes are offenses of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

TABLE 12-17
Arrest Rates by Gender

Ten-Year Arrest Trends
by Sex, 2001–2010
[8,726 agencies; 2010 estimated population 194,771,628; 2009 estimated population 180,336,272]

	Male						Female					
	Total			Under 18			Total			Under 18		
Offense charged	2001	2010	Percent change	2001	2010	Percent change	2001	2010	Percent change	2001	2010	Percent change
TOTAL[1]	**6,568,579**	**6,122,413**	**-6.8**	**998,238**	**733,955**	**-26.5**	**1,899,440**	**2,099,055**	**+10.5**	**362,657**	**306,498**	**-15.5**
Murder and nonnegligent manslaughter	7,011	6,276	-10.5	738	561	-24.0	1,060	751	-29.2	84	66	-21.4
Forcible rape	16,552	12,475	-24.6	2,748	1,793	-34.8	193	113	-41.5	40	28	-30.0
Robbery	61,315	62,383	+1.7	14,556	15,091	+3.7	6,978	9,010	+29.1	1,390	1,750	+25.9
Aggravated assault	243,381	208,367	-14.4	31,502	21,276	-32.5	61,311	60,145	-1.9	9,500	6,885	-27.5
Burglary	158,422	159,813	+0.9	50,286	37,216	-26.0	25,654	30,627	+19.4	7,043	5,262	-25.3
Larceny-theft	468,276	454,079	-3.0	138,056	99,440	-28.0	272,887	359,414	+31.7	88,961	84,714	-4.8
Motor vehicle theft	71,385	36,238	-49.2	22,939	7,846	-65.8	13,918	7,887	-43.3	4,768	1,560	-67.3
Arson	9,369	6,237	-33.4	5,254	2,720	-48.2	1,690	1,277	-24.4	648	412	-36.4
Violent crime[2]	328,259	289,501	-11.8	49,544	38,721	-21.8	69,542	70,019	+0.7	11,014	8,729	-20.7
Property crime[2]	707,452	656,367	-7.2	216,535	147,222	-32.0	314,149	399,205	+27.1	101,420	91,948	-9.3
Other assaults	624,982	603,501	-3.4	102,570	86,903	-15.3	194,814	226,024	+16.0	47,612	47,517	-0.2
Forgery and counterfeiting	43,623	29,878	-31.5	2,457	761	-69.0	29,625	17,967	-39.4	1,392	285	-79.5
Fraud	116,414	69,079	-40.7	3,666	2,360	-35.6	100,089	51,685	-48.4	1,912	1,274	-33.4
Embezzlement	6,940	5,538	-20.2	763	180	-76.4	6,750	5,763	-14.6	545	130	-76.1
Stolen property; buying, receiving, possessing	62,888	50,045	-20.4	14,109	8,240	-41.6	12,664	12,229	-3.4	2,385	1,610	-32.5
Vandalism	144,703	131,349	-9.2	59,745	43,037	-28.0	27,876	30,319	+8.8	9,026	7,289	-19.2
Weapons; carrying, possessing, etc.	91,440	89,693	-1.9	20,676	17,607	-14.8	8,283	8,374	+1.1	2,432	2,108	-13.3
Prostitution and commercialized vice	16,245	10,844	-33.2	255	112	-56.1	31,011	25,961	-16.3	627	542	-13.6
Sex offenses (except forcible rape and prostitution)	52,815	42,833	-18.9	10,982	7,346	-33.1	4,448	3,256	-26.8	903	710	-21.4
Drug abuse violations	786,831	816,307	+3.7	103,696	89,066	-14.1	174,225	198,076	+13.7	19,990	18,098	-9.5
Gambling	4,365	2,614	-40.1	376	234	-37.8	548	432	-21.2	26	10	-61.5
Offenses against the family and children	68,431	52,116	-23.8	3,881	1,468	-62.2	20,097	17,455	-13.1	2,216	807	-63.6
Driving under the influence	715,610	639,291	-10.7	10,287	5,424	-47.3	144,788	196,727	+35.9	2,222	1,814	-18.4
Liquor laws	307,444	230,230	-25.1	61,056	38,030	-37.7	95,624	91,025	-4.8	29,237	23,531	-19.5
Drunkenness	344,649	308,784	-10.4	10,348	6,503	-37.2	55,186	65,102	+18.0	2,812	2,356	-16.2
Disorderly conduct	287,509	251,193	-12.6	74,442	58,055	-22.0	93,137	99,580	+6.9	31,452	31,285	-0.5
Vagrancy	13,512	16,981	+25.7	1,305	1,142	-12.5	3,276	4,271	+30.4	369	348	-5.7
All other offenses (except traffic)	1,777,951	1,782,491	+0.3	185,029	137,766	-25.5	483,874	557,410	+15.2	65,631	47,932	-27.0
Suspicion	1,772	427	-75.9	407	68	-83.3	528	110	-79.2	213	18	-91.5
Curfew and loitering law violations	66,516	43,778	-34.2	66,516	43,778	-34.2	29,434	18,175	-38.3	29,434	18,175	-38.3

[1] Does not include suspicion.

[2] Violent crimes are offenses of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

TABLE 12-18
Murder Victims by Age and Weapon Type

Murder Victims by Age
by Weapon, 2010

Age	Total murder victims	Weapons										
		Firearms	Knives or cutting instruments	Blunt objects (clubs, hammers, etc.)	Personal weapons (hands, fists, feet, etc.)[1]	Poison	Explosives	Fire	Narcotics	Strangulation	Asphyxiation	Other weapon or weapon not stated[2]
Total	**12,996**	**8,775**	**1,704**	**540**	**745**	**11**	**4**	**74**	**39**	**122**	**98**	**884**
Percent distribution[3]	100.0	67.5	13.1	4.2	5.7	0.1	*	0.6	0.3	0.9	0.8	6.8
Under 18[4]	1,277	632	95	66	253	5	1	19	17	6	23	160
Under 22[4]	3,172	2,199	281	89	286	5	1	21	19	14	27	230
18 and over[4]	11,566	8,067	1,597	469	476	6	3	50	21	113	72	692
Infant (under 1)	186	5	3	19	86	1	0	1	5	1	14	51
1 to 4	313	38	19	26	143	2	1	6	3	2	5	68
5 to 8	85	33	9	5	16	0	0	4	3	1	3	11
9 to 12	43	20	8	2	3	2	0	3	3	1	0	1
13 to 16	363	298	27	7	3	0	0	3	3	1	1	20
17 to 19	1,231	1,008	133	16	22	0	0	2	0	1	2	47
20 to 24	2,256	1,822	224	45	41	0	0	6	3	12	6	97
25 to 29	1,964	1,544	221	35	51	0	1	9	1	14	2	86
30 to 34	1,541	1,175	166	43	49	0	0	4	6	17	7	74
35 to 39	1,072	745	150	40	43	0	0	4	2	10	13	65
40 to 44	882	553	168	37	36	0	0	5	1	10	7	65
45 to 49	838	475	156	55	59	2	0	2	3	9	4	73
50 to 54	686	338	144	62	61	0	0	5	2	14	8	52
55 to 59	473	255	89	42	35	2	0	4	1	7	5	33
60 to 64	325	151	76	25	25	0	0	2	0	4	7	35
65 to 69	189	80	39	18	18	0	1	2	0	4	1	26
70 to 74	137	71	19	18	11	0	1	2	0	2	2	11
75 and over	259	88	41	40	27	2	0	5	2	9	8	37
Unknown	153	76	12	5	16	0	0	5	1	3	3	32

[1] Pushed is included in personal weapons.

Fifty-seven percent of homicides perpetrated by male youths are committed in the course of another crime, such as robbery or rape. Ann Loper & Dewey Cornell, *Homicide by Juvenile Girls*, 5 J. Child & Fam. Stud. 323, 326, 330 (1996) (also noting that males constitute 94 percent of juvenile homicide perpetrators). Mental illness also plays a significant role in juvenile murderers. One study claims that 89 percent of juvenile murderers had psychotic symptoms. Wade Myers & Kerrilyn Scott, *Psychotic and Conduct Disorder Symptoms in Juvenile Murderers*, 2 Homicide Stud. 160 (1998) (also noting prior studies showing young murderers to be distinguished by "neurological abnormalities," "criminally violent family members," and "gang membership").

NOTES & QUESTIONS

1. As discussed in Chapter 8, minors are barred by federal law from purchasing firearms from retail gun dealers. State laws vary widely, but all of them at least allow minors to possess firearms under the authority of a responsible adult. Some minors illegally purchase firearms that have been stolen or acquired by other illegal means. State Child Access Prevention (CAP) laws in some states require gun owners to follow various "safe storage" requirements to prevent juvenile access. *See* Section D of this chapter. What measures would you propose to prevent juvenile criminals from getting access to firearms? To prevent juveniles in general from getting access? Consider whether *Heller* (Chapter 9), or lower court interpretations of *Heller*, would impede any of your proposals. What Second Amendment rights (if any) do persons under 18 years of age have?

2. Do you think the issue of minors' access to firearms should be treated differently in urban areas than in rural areas? Consider the data in the Appendix on the rate of juvenile gun crime in rural versus urban states. You may also want to look again at the decision in *United States v. Moore*, 109 F.3d 1456 (9th Cir. 1997) (en banc) (Chapter 8), and the notes and questions following that case.

3. The constitutional right to keep and bear arms almost surely would prohibit gun laws that discriminated on the basis of gender. But one recent case upheld the federal ban on individuals between 18 and 20 purchasing handguns from a retailer. NRA v. BATFE, 700 F.3d 185 (5th Cir. 2012), *reh'g en banc denied*, 714 F.3d 334 (5th Cir. 2013). *But cf. id.*, at 714 F.3d at 335-47 (Jones, J., joined by five other judges, dissenting from denial of rehearing en banc). If it can be demonstrated empirically that people in that age range are more likely to commit gun crimes, would you agree that limiting their access to guns in this way is constitutional? Now consider data showing that men, especially young men, are far more likely than women to commit gun crimes. Would this fact justify requiring young men to go through a more rigorous process than women before obtaining a handgun, or a license to carry a handgun? Would that be substantially different from current laws

barring felons from possessing guns? From laws allowing felons to go through a rigorous process to have their right to arms reinstated?

J. Recent Downward Trend of Violent Crime and Growth of the American Firearms Inventory

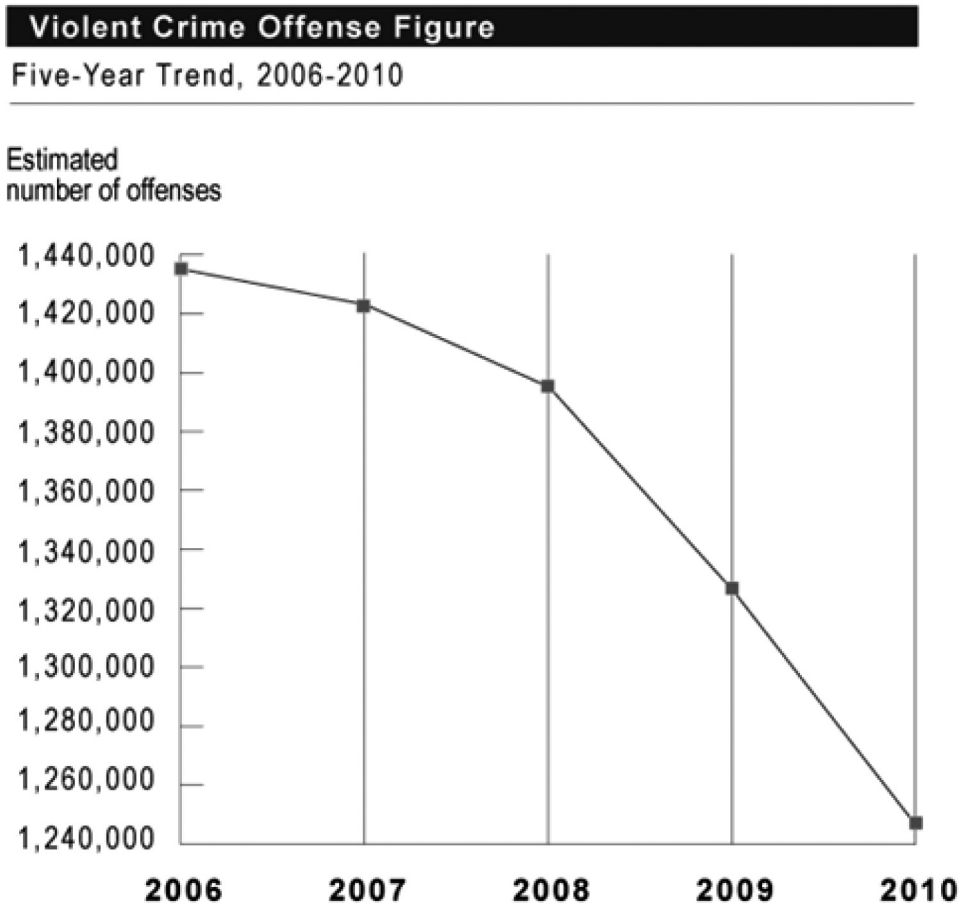
1. Some Statistics on the Decline in Violent Crime

It is tautological that in a truly gun-free environment there can be no gun crime. This sometimes fuels the intuition that increases in the number of guns in the general population will necessarily lead to roughly proportionate increases in gun crime. That intuition turns out to be wrong. This is evident from both recent and long-term trends. In the near past, the use of firearms in violent crime has trended downward along with the rate of violent crime in general. The FBI reports that in 2010, an estimated 1,246,248 violent crimes occurred nationwide, a decrease of 6.0 percent from the 2009 estimate. When considering five- and ten-year trends, the 2010 estimated violent crime total had fallen 13.2 percent below the 2006 level and 13.4 percent below the 2001 level. In general, violent crime and gun crime in the United States have declined significantly since the early 1990s.

Meanwhile, firearm ownership in the United States is at an all-time high. Estimates put the gun stock as high as 323 million firearms in private hands. (See Section B of this chapter.) New gun purchases, measured by ATF instant-check data, have been at record levels. In early 2012, for example, the publicly traded Sturm, Ruger, & Co., one of the largest American manufacturers of firearms, depleted its inventory of guns due to high demand, and notified wholesalers that it would suspend taking orders until it could build enough new guns to replenish inventory. *See* James Detar, *Restocked Sturm Ruger Resumes Taking Gun Orders*, Investors.com, May 21, 2012. As shown in Table 12-19 below, violent crime during this period of rapid growth in the civilian gun inventory went in the opposite direction. The recent downward trend extends to nonviolent crime. Table 12-20 shows declining rates of property crime trending similar to the rates of violent crime over the last ten years.

As discussed in Section I, the crime rate varies substantially by age, with younger people more prone to criminal activity. Juvenile offenders are a particular concern. The relative trend for juvenile crime is illustrated in Table 12-21, which shows arrests in 2010 compared to 2001, broken out by crime category and by age.

TABLE 12-19
Violent Crime Trend



Source: FBI, UCR. See also Expanded Homicide Data Table 7, Robbery Table 3, and the Aggravated Assault Table.

TABLE 12-20
Property Crime Trend

Crime in the United States
by Volume and Rate per 100,000 Inhabitants, 1991–2010

Year	Population[1]	**Violent crime**	*Violent crime rate*	Murder and nonnegligent manslaughter	*Murder and nonnegligent manslaughter rate*	Forcible rape	*Forcible rape rate*	Robbery	*Robbery rate*	Aggravated assault	*Aggravated assault rate*	**Property crime**	*Property crime rate*	Burglary	*Burglary rate*	Larceny-theft	*Larceny-theft rate*	Motor vehicle theft	*Motor vehicle theft rate*
1991	252,153,092	1,911,767	758.2	24,703	9.8	106,593	42.3	687,732	272.7	1,092,739	433.4	12,961,116	5,140.2	3,157,150	1,252.1	8,142,228	3,229.1	1,661,738	659.0
1992	255,029,699	1,932,274	757.7	23,760	9.3	109,062	42.8	672,478	263.7	1,126,974	441.9	12,505,917	4,903.7	2,979,884	1,168.4	7,915,199	3,103.6	1,610,834	631.6
1993	257,782,608	1,926,017	747.1	24,526	9.5	106,014	41.1	659,870	256.0	1,135,607	440.5	12,218,777	4,740.0	2,834,808	1,099.7	7,820,909	3,033.9	1,563,060	606.3
1994	260,327,021	1,857,670	713.6	23,326	9.0	102,216	39.3	618,949	237.8	1,113,179	427.6	12,131,873	4,660.2	2,712,774	1,042.1	7,879,812	3,026.9	1,539,287	591.3
1995	262,803,276	1,798,792	684.5	21,606	8.2	97,470	37.1	580,509	220.9	1,099,207	418.3	12,063,935	4,590.5	2,593,784	987.0	7,997,710	3,043.2	1,472,441	560.3
1996	265,228,572	1,688,540	636.6	19,645	7.4	96,252	36.3	535,594	201.9	1,037,049	391.0	11,805,323	4,451.0	2,506,400	945.0	7,904,685	2,980.3	1,394,238	525.7
1997	267,783,607	1,636,096	611.0	18,208	6.8	96,153	35.9	498,534	186.2	1,023,201	382.1	11,558,475	4,316.3	2,460,526	918.8	7,743,760	2,891.8	1,354,189	505.7
1998	270,248,003	1,533,887	567.6	16,974	6.3	93,144	34.5	447,186	165.5	976,583	361.4	10,951,827	4,052.5	2,332,735	863.2	7,376,311	2,729.5	1,242,781	459.9
1999	272,690,813	1,426,044	523.0	15,522	5.7	89,411	32.8	409,371	150.1	911,740	334.3	10,208,334	3,743.6	2,100,739	770.4	6,955,520	2,550.7	1,152,075	422.5
2000	281,421,906	1,425,486	506.5	15,586	5.5	90,178	32.0	408,016	145.0	911,706	324.0	10,182,584	3,618.3	2,050,992	728.8	6,971,590	2,477.3	1,160,002	412.2
2001[2]	285,317,559	1,439,480	504.5	16,037	5.6	90,863	31.8	423,557	148.5	909,023	318.6	10,437,189	3,658.1	2,116,531	741.8	7,092,267	2,485.7	1,228,391	430.5
2002	287,973,924	1,423,677	494.4	16,229	5.6	95,235	33.1	420,806	146.1	891,407	309.5	10,455,277	3,630.6	2,151,252	747.0	7,057,379	2,450.7	1,246,646	432.9
2003	290,788,976	1,383,676	475.8	16,528	5.7	93,883	32.3	414,235	142.5	859,030	295.4	10,442,862	3,591.2	2,154,834	741.0	7,026,802	2,416.5	1,261,226	433.7
2004	293,656,842	1,360,088	463.2	16,148	5.5	95,089	32.4	401,470	136.7	847,381	288.6	10,319,386	3,514.1	2,144,446	730.3	6,937,089	2,362.3	1,237,851	421.5
2005	296,507,061	1,390,745	469.0	16,740	5.6	94,347	31.8	417,438	140.8	862,220	290.8	10,174,754	3,431.5	2,155,448	726.9	6,783,447	2,287.8	1,235,859	416.8
2006[3]	299,398,484	1,435,123	479.3	17,309	5.8	94,472	31.6	449,246	150.0	874,096	292.0	10,019,601	3,346.6	2,194,993	733.1	6,626,363	2,213.2	1,198,245	400.2
2007[3]	301,621,157	1,422,970	471.8	17,128	5.7	92,160	30.6	447,324	148.3	866,358	287.2	9,882,212	3,276.4	2,190,198	726.1	6,591,542	2,185.4	1,100,472	364.9
2008[3]	304,059,724	1,394,461	458.6	16,465	5.4	90,750	29.8	443,563	145.9	843,683	277.5	9,774,152	3,214.6	2,228,887	733.0	6,586,206	2,166.1	959,059	315.4
2009[3]	307,006,550	1,325,896	431.9	15,399	5.0	89,241	29.1	408,742	133.1	812,514	264.7	9,337,060	3,041.3	2,203,313	717.7	6,338,095	2,064.5	795,652	259.2
2010	308,745,538	1,246,248	403.6	14,748	4.8	84,767	27.5	367,832	119.1	778,901	252.3	9,082,887	2,941.9	2,159,878	699.6	6,185,867	2,003.5	737,142	238.8

Source: FBI UCR.

TABLE 12-21
Arrest Trends by Crime Category and Age

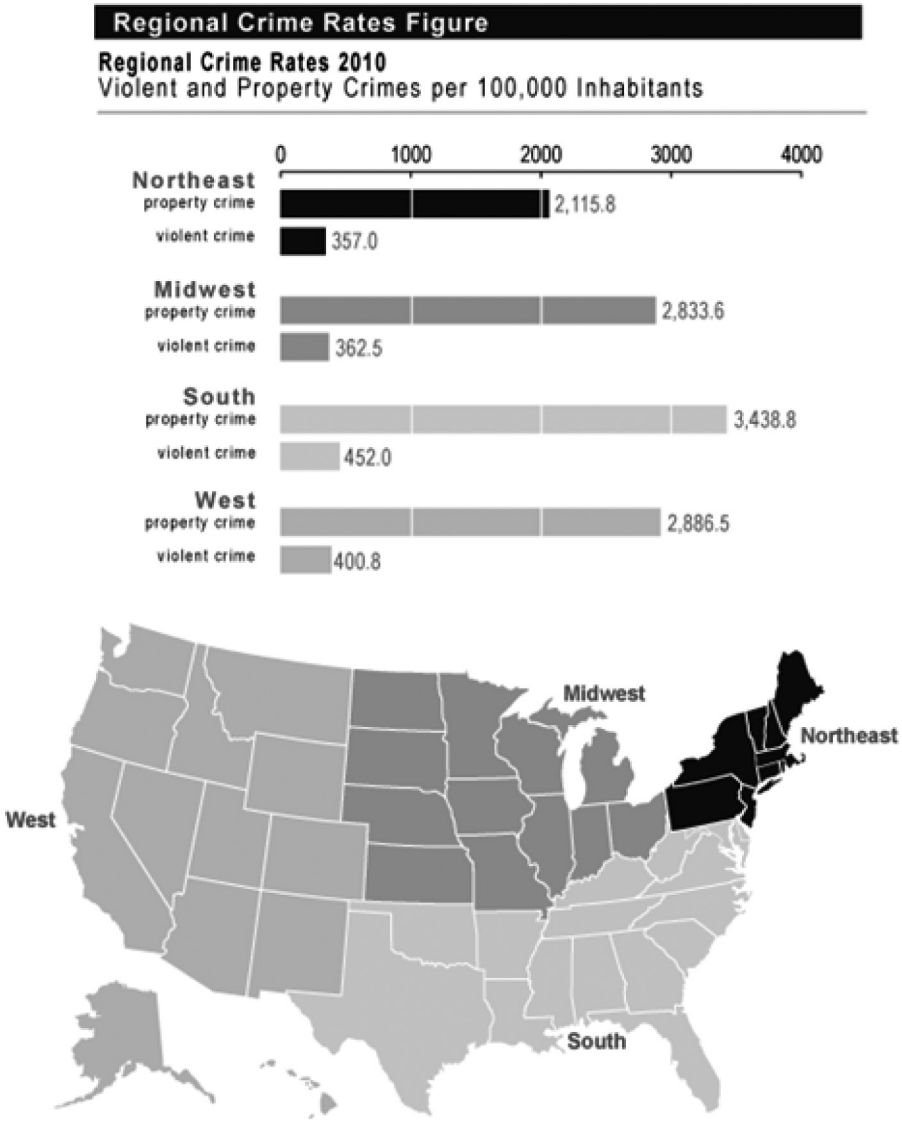
Ten-Year Arrest Trends
Totals, 2001-2010
[8,726 agencies; 2010 estimated population 194,771,628; 2001 estimated population 180,336,272]

	Number of persons arrested								
	Total all ages			*Under 18 years of age*			*18 years of age and over*		
Offense charged	*2001*	*2010*	*Percent change*	*2001*	*2010*	*Percent change*	*2001*	*2010*	*Percent change*
TOTAL[1]	**8,468,019**	**8,221,468**	**-2.9**	**1,360,895**	**1,040,453**	**-23.5**	**7,107,124**	**7,181,015**	**+ 1.0**
Murder and nonnegligent manslaughter	8,071	7,027	-12.9	822	627	-23.7	7,249	6,400	-11.7
Forcible rape	16,745	12,588	-24.8	2,788	1,821	-34.7	13,957	10,767	-22.9
Robbery	68,293	71,393	+4.5	15,946	16,841	+5.6	52,347	54,552	+4.2
Aggravated assault	304,692	268,512	-11.9	41,002	28,161	-31.3	263,690	240,351	-8.9
Burglary	184,076	190,440	+3.5	57,329	42,478	-25.9	126,747	147,962	+16.7
Larceny-theft	741,163	813,493	+9.8	227,017	184,154	-18.9	514,146	629,339	+22.4
Motor vehicle theft	85,303	44,125	-48.3	27,707	9,406	-66.1	57,596	34,719	-39.7
Arson	11,059	7,514	-32.1	5,902	3,132	-46.9	5,157	4,382	-15.0
Violent crime[2]	397,801	359,520	-9.6	60,558	47,450	-21.6	337,243	312,070	-7.5
Property crime[2]	1,021,601	1,055,572	+3.3	317,955	239,170	-24.8	703,646	816,402	+16.0
Other assaults	819,796	829,525	+1.2	150,182	134,420	-10.5	669,614	695,105	+3.8
Forgery and counterfeiting	73,248	47,845	-34.7	3,849	1,046	-72.8	69,399	46,799	-32.6
Fraud	216,503	120,764	-44.2	5,578	3,634	-34.9	210,925	117,130	-44.5
Embezzlement	13,690	11,301	-17.5	1,308	310	-76.3	12,382	10,991	-11.2
Stolen property; buying, receiving, possessing	75,552	62,274	-17.6	16,494	9,850	-40.3	59,058	52,424	-11.2
Vandalism	172,579	161,668	-6.3	68,771	50,326	-26.8	103,808	111,342	+7.3
Weapons; carrying, possessing, etc.	99,723	98,067	-1.7	23,108	19,715	-14.7	76,615	78,352	+2.3

	Number of persons arrested								
	Total all ages			Under 18 years of age			18 years of age and over		
Offense charged	*2001*	*2010*	*Percent change*	*2001*	*2010*	*Percent change*	*2001*	*2010*	*Percent change*
Prostitution and commercialized vice	47,256	36,805	-22.1	882	654	-25.9	46,374	36,151	-22.0
Sex offenses (except forcible rape and prostitution)	57,263	46,089	-19.5	11,885	8,056	-32.2	45,378	38,033	-16.2
Drug abuse violations	961,056	1,014,383	+5.5	123,686	107,164	-13.4	837,370	907,219	+8.3
Gambling	4,913	3,046	-38.0	402	244	-39.3	4,511	2,802	-37.9
Offenses against the family and children	88,528	69,571	-21.4	6,097	2,275	-62.7	82,431	67,296	-18.4
Driving under the influence	860,398	836,018	-2.8	12,509	7,238	-42.1	847,889	828,780	-2.3
Liquor laws	403,068	321,255	-20.3	90,293	61,561	-31.8	312,775	259,694	-17.0
Drunkenness	399,835	373,886	-6.5	13,160	8,859	-32.7	386,675	365,027	-5.6
Disorderly conduct	380,646	350,773	-7.8	105,894	89,340	-15.6	274,752	261,433	-4.8
Vagrancy	16,788	21,252	+26.6	1,674	1,490	-11.0	15,114	19,762	+30.8
All other offenses (except traffic)	2,261,825	2,339,901	+3.5	250,660	185,698	-25.9	2,011,165	2,154,203	+7.1
Suspicion	2,300	537	-76.7	620	86	-86.1	1,680	451	-73.2
Curfew and loitering law violations	95,950	61,953	-35.4	95,950	61,953	-35.4	-	-	-

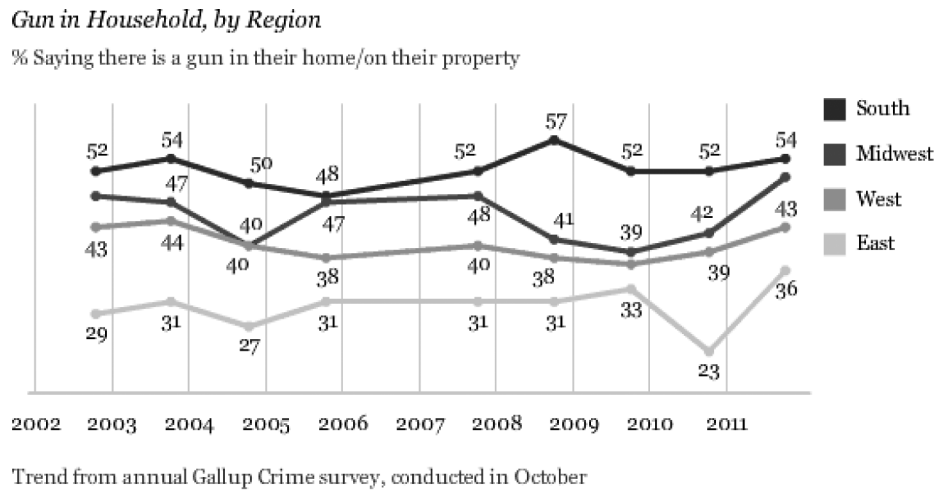
[1]Does not include suspicion.

Another interesting aspect of the violent crime rate is the variation from region to region. Every state has its own laws that might play a role in violent crime trends. Variations broken out by region may also suggest broader cultural influences.



Source: FBI, UCR.

Regional cultural differences are multifaceted. Regional variations in reported gun ownership are one potential measure of those cultural differences. The following chart reflects a recent estimate by the Gallup organization of the rate of gun ownership by region.



The simple intuition that the presence of more guns equals more gun crime is refuted by the simultaneous decline of gun crime in recent decades while the American gun inventory has increased to record levels. The divergence between the civilian firearms inventory and the rate of violent crime is starkly illustrated by measurements shown in Table 12-22. As illustrated, since 1948, the rate of gun ownership per 100,000 of population has increased steadily. In contrast, over this same period, the rate of gun homicide has risen and fallen in a pattern that shows no relation to the theory that more guns should lead to proportionately more homicide.

2. Some Theories about the Cause of the Decline in Violent Crime

The cause of the decline in violent crime in the past two decades is unclear. Theories of causation vary widely. In a relatively recent treatment, Alfred Blumstein and Joel Wallman collect diverse assessments from social scientists about why crime has declined. The Crime Drop in America (Alfred Blumstein & Joel Wallman eds., rev. ed. 2006).

Blumstein and Wallman note that prior to 1965, the U.S. homicide rate was always under 5 per 100,000 population. (Depending how the rate is calculated.) The rate rose steadily starting around 1965, and after 1970 ranged between 8 and 10 per 100,000 for the next 20 years. Within this range, the murder rate trended down from 1980 to 1985 and up again from 1985 to 1991. The upward trend from 1985-1991 corresponded to a rise in violence among males under age 20 and a particularly sharp rise among young Black males. Beginning in 1992, homicide rates declined steadily, and by 1999 the homicide rate was back to less than 6 per 100,000 — the pre-1965 rate. Alfred Blumstein & Joel Wallman, *The*

TABLE 12-22
Rate of Gun Ownership vs. Rate of Gun Homicide

Year	*Total gun stock*	*Fatal gun accidents*	*FGAs for ages 0-14*	*Population (in 1,000s)*	*Guns per capita*	*Population age 0 to 14*	*Fatal gun accidents per 100,000 persons*	*FGAs per capita for ages 0-14*	*Murder and non-negligent manslaughter per 100,000 persons*
1948	53,203,031	2,270		146,091	0.36		1.55		5.6
1949	55,406,460	2,326		148,666	0.37		1.56		5.1
1950	57,902,081	2,174	451	151,871	0.38	40,853,299	1.43	1.10	5
1951	59,988,664	2,247	520	153,970	0.39	42,064,604	1.46	1.24	4.7
1952	61,946,315	2,210	519	156,369	0.40	43,376,761	1.41	1.20	4.9
1953	63,945,235	2,277	498	158,946	0.40	44,759,194	1.43	1.11	4.6
1954	65,558,052	2,281	527	161,881	0.40	46,265,590	1.41	1.14	4.6
1955	67,387,135	2,120	522	165,058	0.41	47,866,820	1.28	1.09	4.3
1956	69,435,933	2,202	508	168,078	0.41	49,448,548	1.31	1.03	4.4
1957	71,416,509	2,369	549	171,178	0.42	51,079,515	1.38	1.07	4.3
1958	73,163,450	2,172	538	174,153	0.42	52,698,698	1.25	1.02	4.3
1959	75,338,188	2,258	542	177,136	0.43	54,345,325	1.27	1.00	4.5
1960	77,501,065	2,334	544	179,972	0.43	55,971,292	1.30	0.97	5.1
1961	79,536,616	2,204	507	182,976	0.43	56,045,549	1.20	0.90	4.8
1962	81,602,984	2,092	456	185,739	0.44	56,018,882	1.13	0.81	4.6
1963	83,834,808	2,263	538	188,434	0.44	55,946,055	1.20	0.96	4.6
1964	86,357,701	2,275	500	191,085	0.45	55,835,037	1.19	0.90	4.9
1965	89,478,922	2,344	494	193,457	0.46	55,618,888	1.21	0.89	5.1
1966	93,000,989	2,558	535	195,499	0.48	55,287,117	1.31	0.97	5.6
1967	97,087,751	2,896	598	197,375	0.49	54,889,988	1.47	1.09	6.2
1968	102,302,251	2,394	527	199,312	0.51	54,491,901	1.20	0.97	6.9
1969	107,111,820	2,309	455	201,298	0.53	54,088,773	1.15	0.84	7.3
1970	111,917,733	2,406	506	203,798.7	0.55	53,802,863	1.18	0.94	7.9
1971	116,928,781	2,360	481	206,817.5	0.57	53,834,598	1.14	0.89	8.6
1972	122,304,980	2,442	554	209,274.9	0.58	53,699,935	1.17	1.03	9
1973	128,016,673	2,618	541	211,349.2	0.61	53,450,214	1.24	1.01	9.4

Year	*Total gun stock*	*Fatal gun accidents*	*FGAs for ages 0-14*	*Population (in 1,000s)*	*Guns per capita*	*Population age 0 to 14*	*Fatal gun accidents per 100,000 persons*	*FGAs per capita for ages 0-14*	*Murder and non-negligent manslaughter per 100,000 persons*
1974	134,587,281	2,513	532	213,333.6	0.63	53,162,742	1.18	1.00	9.8
1975	139,915,125	2,380	495	215,456.6	0.65	52,894,592	1.10	0.94	9.6
1976	145,650,789	2,059	428	217,553.9	0.67	52,604,523	0.95	0.81	8.8
1977	150,748,000	1,982	392	219,760.9	0.69	52,325,064	0.90	0.75	8.8
1978	156,164,518	1,806	349	222,098.2	0.70	52,059,828	0.81	0.67	9
1979	161,888,861	2,004	372	224,568.6	0.72	51,523,398	0.89	0.72	9.7
1980	167,681,587	1,955	316	227,224.7	0.74	51,368,905	0.86	0.62	10.2
1981	173,262,755	1,871	298	229,465.7	0.76	51,275,045	0.82	0.58	9.8
1982	178,218,890	1,756	279	231,664.4	0.77	51,367,319	0.76	0.54	9.1
1983	182,273,263	1,695	243	233,792.0	0.78	51,458,409	0.73	0.47	8.3
1984	186,683,867	1,668	287	235,824.9	0.79	51,580,345	0.71	0.56	7.9
1985	190,658,136	1,649	278	237,923.7	0.80	51,615,831	0.69	0.54	8
1986	194,182,072	1,452	234	240,132.8	0.81	51,592,128	0.60	0.45	8.6
1987	198,526,508	1,440	247	242,288.9	0.82	51,965,425	0.59	0.48	8.3
1988	203,306,821	1,501	277	244,499.0	0.83	52,603,938	0.61	0.53	8.5
1989	208,489,609	1,489	273	246,819.2	0.84	53,404,219	0.60	0.51	8.7
1990	212,823,547	1,416	236	249,438.7	0.85	54,065,132	0.57	0.44	9.4
1991	216,695,946	1,441	227	252,127.4	0.86	55,352,258	0.57	0.41	9.8
1992	222,067,343	1,409	216	254,994.5	0.87	56,297,147	0.55	0.38	9.3
1993	228,660,966	1,521	205	257,746.1	0.89	57,202,683	0.59	0.36	9.5
1994	235,604,001	1,356	185	260,289.2	0.91	57,918,481	0.52	0.32	9
1995	240,599,526	1,225	181	262,764.9	0.92	58,379,928	0.47	0.31	8.2
1996	245,003,546	1,134	138	265,189.8	0.92	58,850,406	0.43	0.23	7.4
1997	249,261,384	981	142	267,743.6	0.93	59,217,153	0.37	0.24	6.8
1998	253,771,440	866	121	270,248.0	0.94	59,659,176	0.32	0.20	6.3
1999	258,490,668	824	88	272,690.8	0.95	59,955,368	0.30	0.15	5.7
2000	263,208,364	776	86	281,421.9	0.94	60,253,375	0.28	0.14	5.5
2001	267,335,304	802	72	285,317.6	0.94	60,434,835	0.28	0.12	5.6

Year	*Total gun stock*	*Fatal gun accidents*	*FGAs for ages 0-14*	*Population (in 1,000s)*	*Guns per capita*	*Population age 0 to 14*	*Fatal gun accidents per 100,000 persons*	*FGAs per capita for ages 0-14*	*Murder and non-negligent manslaughter per 100,000 persons*
2002	272,180,680	762	60	287,973.9	0.95	60,646,433	0.26	0.10	5.6
2003	276,813,674	730	56	290,809.8	0.95	60,737,916	0.25	0.09	5.7
2004	281,683,638	649	63	293,655.4	0.96	60,821,996	0.22	0.10	5.5
2005	286,837,125	789	75	296,507,061	0.97	60,953,039	0.27	0.12	5.6
2006	292,555,450	642	54	299,398,484	0.978	61,022,964	0.21	0.08	5.8
2007	299,017,274	613	65	301,621,157	0.99	61,294,588	0.20	0.11	5.7
2008	305,894,116	592	62	304,059,724	1.01	61,569,505	0.19	0.10	5.4
2009	314,862,296	554	48	307,006,550	1.03	61,882,854	0.18	0.08	5.0
2010	322,863,994			308,745,538	1.05	61,227,213			4.8
2011	332,223,910								

Sources: Fatal gun accidents from Centers for Disease Control, *Compressed Mortality File,* and Gary Kleck, Targeting Guns: Firearms and Their Control 323-24 (1997). The gun supply figures through 1994 are from Kleck, Targeting Guns at 96-97 (1997) (providing citations for all the data). Additions to the gun supply from 1995 through 2009 are from the 2012 edition of ATF's *Commerce in Firearms in the United States* exhibits 1-3, plus (for 2011 only) the interim edition of the 2011 ATF *Annual Firearms Manufacture and Export Report.* The 2005-09 figures on homicide rates are from FBI, *Uniform Crime Reports*; Sourcebook of Criminal Justice Statistics, Estimated number and rate (per 100,000 inhabitants) of offenses known to police, by offense, United States 1960-2010. Population age 0-14 for 2005-09 from Census Bureau, Annual Estimates of the Resident Population by Sex and Five-Year Age Groups. Homicides for 1948-59, FBI Data compilation (on Disk).

Caveats: The above figures for total firearm supply do not account for removal of firearms from the gun supply: for example, guns that are seized and destroyed by law enforcement, or guns that become inoperable because of rust or wear, and are not repaired. Nor do the above figures account for the very large number of firearms for which manufacturing, import, and export reports are not required by the 1968 Gun Control Act (black-powder guns, homemade guns, some modern replicas of pre-1898 guns).

Recent Rise and Fall of American Violence, *in id.* at 4. (As of 2010, it is down to 4.8. *See* Table 12-22.)

Blumstein and Wallman attribute these shifts to several factors. They attribute the increased violence that started around 1965 to the social turbulence of the times — for example, the tumult of the fight for civil rights, protest of the Vietnam War, and a concomitant decline in the perceived legitimacy of social and governmental authority. The upward trend of crime after 1985 is probably explained at least partly by the crack epidemic.

So why has crime declined since the early 1990s?

Garen Wintemute argues that changes in gun laws are a factor. "Handgun violence took a sharp downturn at just about the time the Brady Bill became effective." Garen Wintemute, *Guns and Gun Violence*, *in* Blumstein & Wallman, Crime Drop in America, *supra*, at 5. Wintemute is a longtime proponent of tough gun laws who has argued forcefully that firearms crime is substantially driven by the gun supply. *See, e.g.*, Garen Wintemute, *Gun Control Laws Can Reduce Violent Crime*, *in* James D. Torr, Crime and Criminals: Opposing Viewpoints (2004) ("Not surprisingly, the more guns there are, the more gun crime there is.").

William Spelman suggests that *incarceration* has contributed to the recent decline in crime. He offers a number of estimates of elasticity of crime due to incarceration and concludes that "prison buildup suppressed the yearly crime rate by 35 percent on average and that perhaps 25% of the crime drop is attributable to incarceration." He questions, however, whether the benefits of this reduction in crime are justified by the social and financial costs of "such massive use of prisons." Alfred Blumstein & Joel Walman, *The Recent Rise and Fall of American Violence* (summarizing others' work), *in* Blumstein & Wallman, Crime Drop in America, *supra*, at 6.

Along with Richard Rosenfeld, Spelman also examines how the violent crime pattern of persons over age 25 has differed from that of younger people. While the homicide rate for younger offenders rose sharply beginning in 1985, the over-25 homicide rate declined steadily through the 1980s. This decline for the over-25 age group held true across racial groups. The greatest decline within this group was for domestic homicides. Rosenfeld claims that a significant portion of this drop is attributable to a *decline in the marriage rate*. The unexplained balance he claims is attributable to a civilizing cultural shift away from interpersonal violence. *Id.* at 7.

Bruce Johnson, Andrew Golub, and Eloise Dunlap describe a *decline in crack-related drug violence* beginning in the early 1990s. They claim that the major cause for the declining influence of crack and attendant violence is an attitudinal and cultural shift of inner-city youth away from crack. They speculate that marijuana has replaced crack as the drug of choice in this environment and that marijuana use and marketing generate less violence. Bruce Johnson, Andrew Golub, & Eloise Dunlap, *The Rise and Decline of Hard Drugs, Drug Markets, and Violence in Inner-City New York*, *in* Blumstein & Wallaman, *supra*, at 164.

John Eck and Edward Mcguire evaluate claims that *innovations in policing* — for example, more police, targeting of drugs and guns, zero tolerance policing — explain the decline in violent crime. Overall, they "found it difficult to substantiate the often strong and enthusiastic claims made for particular policing strategies," sometimes because the strategy was implemented after crime already had declined and sometimes because multiple strategies occurred simultaneously and thus precise causation could not be discerned. The set of

tactics deployed against the drug trade before the drop in crime has the strongest claims of efficacy. John Eck & Edward Mcguire, *Have Changes in Policing Reduced Violent Crime?: An Assessment of the Evidence*, *in* Blumstein & Wallaman, *supra*, at 207.

Jeffrey Grogger argues that economic incentives explain both the rise and the fall of crack-related violence. Initially, in the 1980s, the comparatively high economic return from dealing crack drew thousands of young men into that trade. Violence was a tool of the trade, deployed to settle debts and mark or take territory. However, this rising violence also raised the risk and cost of the business and ultimately had a deterrent effect that pushed young men out of the trade by the mid-1990s. Jeffrey Grogger, *An Economic Model of Recent Trends in Violence*, *in* Blumstein & Wallaman, *supra*, at 266.

James Alan Fox theorizes that *demography* allows rough predictions and speculations about the cause of changes in violent crime rates. Thus, it was predictable, all else being equal, that violent crime would peak in the 1980s and then decline as the baby boomers moved out of the high crime age. James Alan Fox, *Demographics and U.S. Homicide*, *in* Blumstein & Wallaman, *supra*, at 288.

NOTES & QUESTIONS

1. Besides the causes suggested by the authors in the Blumstein and Wallman book, can you think of other causes for crime decline in the last two decades?

2. Of the explanations proposed in the Blumstein and Wallman book, which seem convincing? Why? What other things might account for the trend.

3. Do any of the findings on crime trends and gun ownership surprise you? To the degree that the reported results conflict with your expectations, to what do you attribute your initial view? What was the source of your information prior to examining this data? Has any of the data changed your mind? Try asking three of your colleagues outside this class for their opinions on what caused the recent drop in crime. Compare your results in class.

4. In contrast to the more instrumentalist explanations summarized above, Harvard evolutionary psychologist Steven Pinker tracks a worldwide decline in violence and argues that mankind generally is evolving away from violence. Steven Pinker, The Better Angels of Our Nature: Why Violence Has Declined (2011). Is the experience of the last century consistent with his theory?

K. Does Gun Ownership Reduce Crime?

We have already discussed the general issue of defensive gun uses and the debate over how many DGUs actually occur. But in addition to the general DGU surveys, there are several, more textured, assessments that are important

to forming a view about the relative costs and benefits of firearms ownership and use. This section treats those issues in five subsections.

- Subsection 1 describes a CDC survey of firearm use by householders against burglars, and summarizes studies of the impact that firearm ownership has on the rate of "hot" burglaries.
- Subsection 2 summarizes a widely cited study suggesting that criminals are deterred from attempting crimes by the knowledge or suspicion that their potential victims are armed.
- Subsection 3 describes several natural deterrence experiments that resulted from well-publicized initiatives to arm ordinary citizens.
- Subsection 4 discusses how police performance may affect both the crime rate and the decision of the law-abiding to own firearms.
- Subsection 5 deals with a question that continues to be tested in the courts: the carrying of firearms outside the home. Despite the signals from *Heller* (Chapter 9), whether the Second Amendment right to bear arms extends outside the home remains unsettled in the lower courts. Subsection 5 addresses the complex empirical debate about the costs and benefits of allowing law-abiding people to carry guns in public for self-defense.

1. Firearms Ownership as a Factor Reducing Home Invasion Burglary

The only national study of how frequently firearms are used against burglaries was conducted by the Centers for Disease Control and Prevention (CDC). In 1994, random digit dialing phone calls were made throughout the United States, resulting in 5,238 interviews. The interviewees were asked about use of a firearm in a burglary situation during the previous 12 months. Extrapolating the polling sample to the national population, the researchers estimated that in the previous 12 months, there were approximately 1,896,842 incidents in which a householder retrieved a firearm but did not see an intruder. There were an estimated 503,481 incidents in which the armed householder *did* see the burglar, and in 497,646 of those incidents, the burglar was scared away by the presence of the firearm. Robert Ikeda et al., *Estimating Intruder-Related Firearms Retrievals in U.S. Households, 1994*, 12 Violence & Victims 363 (1997).

In the United States, a household member is present during 27.6 percent of burglaries of homes. If a household member is present during a burglary, then in 26 percent of such burglaries, a household member will be the victim of a violent crime. Shannan M. Catalano, *Victimization During Household Burglary* (Bureau of Justice Statistics, NCJ 227379, Sept. 30, 2010).

Why do American burglars generally avoid homes where someone is present? Why are most American burglaries during the daytime, when the home is likely to be unoccupied? Criminologists attribute the prevalence of daytime burglary to burglars' fear of confronting an armed occupant; burglars report that they avoid late-night home invasions because "[t]hat's the way you get yourself shot." George Rengert & John Wasilchick, Suburban Burglary: A Tale of Two Suburbs 33 (2d ed. 2000) (study of Delaware County, Pa., and

Greenwich, Conn.); *see also* John Conklin, Robbery and the Criminal Justice System 85 (1972) (study of Massachusetts inmates, reporting that some gave up burglary because of "the risk of being trapped in the house by the police or an armed occupant").

The most thorough study of burglary patterns was a St. Louis survey of 105 currently active burglars. The researchers observed, "One of the most serious risks faced by residential burglars is the possibility of being injured or killed by occupants of a target. Many of the offenders we spoke to reported that this was far and away their greatest fear." As a result, most burglars tried to avoid entry when an occupant might be home. Richard Wright & Scott Decker, Burglars on the Job: Streetlife and Residential Break-Ins 112-13 (1994).

Burglars in other nations seem to behave very differently. The 2010/11 British Crime Survey found that 59 percent of burglaries involved an occupied home. The *Wall Street Journal* reported:

> Compared with London, New York is down-right safe in one category: burglary. In London, where many homes have been burglarized half a dozen times, and where psychologists specialize in treating children traumatized by such thefts, the rate is nearly twice as high as in the Big Apple. And burglars here increasingly prefer striking when occupants are home, since alarms and locks tend to be disengaged and intruders have little to fear from unarmed residents.

Kevin Heilliker, *Pistol-Whipped: As Gun Crimes Rise, Britain Is Considering Cutting Legal Arsenal*, Wall St. J., Apr. 19, 1994, at Al.

In the Netherlands, 48 percent of residential burglaries involved an occupied home. Richard Block, *The Impact of Victimization, Rates and Patterns: A Comparison of the Netherlands and the United States*, *in* Victimization and Fear of Crime: World Perspectives 26 tbl. 3-5 (Richard Block ed., 1984). In the Republic of Ireland, criminologists report that burglars have little reluctance about attacking an occupied residence. *See* Claire Nee & Maxwell Taylor, *Residential Burglary in the Republic of Ireland*, *in* Whose Law and Order? Aspects of Crime and Social Control in Irish Society 143 (Mike Tomlinson et al. eds., 1988). In Toronto, where handguns are legal but rare, an older study revealed that 44 percent of home burglaries take place when the victim is home. *See* Irwin Waller & Norman Okhiro, Burglary: The Victim and the Public 31 (1978).

An American burglar's risk of being shot while invading an occupied home is greater than his risk of going to prison. Presuming that the risk of prison deters some potential burglars, the risk of armed defenders may deter even more. James Wright, Peter Rossi, & Kathleen Daly, Under the Gun: Weapons, Crime and Violence in America 139-40 (1983) (Nat'l Inst. of Just. study); *see also* Gary Kleck, *Crime Control Through the Private Use of Armed Force*, 35 Soc. Probs. 1, 12, 15-16 (1988).

David Kopel argues that because burglars do not know *which* homes have a gun, people who do not own guns enjoy substantial free-rider benefits because of the deterrent effect from the known existence of many homes that do keep arms. David Kopel, *Lawyers, Guns, and Burglars*, 43 Ariz. L. Rev. 345, 363-66 (2001).

In response to Kopel's article, Philip Cook and Jens Ludwig conducted a study that found that burglary rates are higher in counties where gun

ownership is higher. Kopel responded with various methodological criticisms, such as the proxy that Cook and Ludwig had used to measure county-level gun ownership. He also argued that Cook & Ludwig's result are not inconsistent with home invasion deterrence: widespread gun ownership may displace burglary from occupied dwellings to unoccupied ones; and at the same time, the presence of a stealable gun (with no one home) may induce burglary because guns are portable and are valuable on the black market. *See* Philip Cook & Jens Ludwig, *Guns & Burglary*, and David Kopel, *Comment*, both *in* Evaluating Gun Policy (Jens Ludwig & Philip Cook eds., 2003)

NOTES & QUESTIONS

1. Considering the data already provided about the costs of firearms, do you think the claimed deterrence of home invasion burglary is a sufficient offsetting benefit to justify private arms ownership in America? Consider also the additional benefits described in the other sections of this chapter.

2. Do you consider burglary a crime of violence, against which armed (and potentially lethal) self-defense is always legitimate? Sometimes legitimate? Do you trust people to make a judgment about when armed self-defense is appropriate against a burglar? If not, what is the alternative? The textbook's discussion of the Castle Doctrine (Chapters 1.D.10, 2.D.2.C, 6.G) provides some legal perspectives.

2. Studies of Criminals and Deterrence

James Wright and Peter Rossi produced a famous study for the National Institute of Justice in 1986, the first comprehensive study of criminals and guns. Interviewing felony prisoners in 11 prisons in 10 states, Wright and Rossi discovered that:

- 34 percent of the felons reported personally having been "scared off, shot at, wounded or captured by an armed victim."
- 8 percent said the experience had occurred "many times."
- 69 percent reported that the experience had happened to another criminal whom they knew personally.
- 39 percent had personally decided not to commit a crime because they thought the victim might have a gun.
- 56 percent said that a criminal would not attack a potential victim who was known to be armed.
- 74 percent agreed with the statement that "[o]ne reason burglars avoid houses where people are at home is that they fear being shot."

James Wright & Peter Rossi, Armed and Considered Dangerous: A Survey of Felons and Their Firearms 146, 155 (expanded ed. 1994).

In the interviews, "the highest concern about confronting an armed victim was registered by felons from states with the greatest relative number of privately owned firearms." *Id.* at 151. Wright and Rossi concluded, "[T]he major effects of partial or total handgun bans would fall more on the shoulders of the ordinary gun-owning public than on the felonious gun abuser of the sort studied here. . . . [I]t is therefore also possible that one side consequence of such measures would be some loss of the crime-thwarting effects of civilian firearms ownership." *Id.* at 237.

NOTES & QUESTIONS

1. Wright and Rossi's findings suggest that many criminals are *rational actors*, in the sense an economist gives that term. They make choices about committing crimes in a way that maximizes expected benefits, minimizes the risks they run, or both. Thus, they prefer soft targets (such as unarmed victims) and avoid hard ones. This is not to say that all criminals always act rationally. Some are mentally ill; others may be extremely intoxicated by drugs or alcohol, and others may sometimes act on hot-blooded emotion. To what extent do you think that the behavior of potential criminals can be influenced by the risk of long-term consequences (prison) or short-term ones (being shot)?

3. Real-World Experiments in Gun Possession as a Deterrent to Crime

In October 1966, the Orlando Police Department began conducting highly publicized firearms safety training for women, after observing that many women were arming themselves in response to a dramatic increase in sexual assaults in the area. Over the next year, Orlando rapes fell by 88 percent. Burglary fell by 25 percent. Not one of the 2,500 trained women actually fired her weapon. Gary Kleck and David Bordua contend, "It cannot be claimed that this was merely part of a general downward trend in rape, since the national rate was increasing at the time. No other U.S. city with a population over 100,000 experienced so large a percentage decrease in the number of rapes from 1966 to 1967. . . ." Gary Kleck & David Bordua, *The Factual Foundation for Certain Key Assumptions of Gun Control*, 5 Law & Pol'y Q. 271, 284 (1983); Gary Kleck, *Policy Lessons from Recent Gun Control Research*, 49 J.L. & Contemp. Probs. 35, 47 (1986). That same year, rape increased by 5 percent in Florida and by 7 percent nationally. *See* Don Kates, *The Value of Civilian Handgun Possession as a Deterrent to Crime or Defense Against Crime*, 18 Am. J. Crim. L. 113, 153 (1991).

Skeptical commentators argued that the drop in Orlando rapes was statistically insignificant, being within the range of possibly normal fluctuations. David McDowall et al., *General Deterrence through Civilian Gun Ownership*, 29 Criminology 541 (1991). However, the skeptics' statistical model was such that even if gun-based deterrence had entirely eliminated *all* rapes in Orlando in 1966-67,

the model would still have declared that result to be statistically insignificant. Gary Kleck, Targeting Guns: Firearms and Their Control 181 (1997).

In March 1982, the Atlanta exurb of Kennesaw, Georgia, passed an ordinance requiring all residents (with exceptions, including conscientious objectors) to keep firearms in their homes. *Town to Celebrate Mandatory Arms*, N.Y. Times, Apr. 11, 1987, at 6. House burglaries fell from 65 per year to 26, and to 11 the following year. Kleck, *Crime Control*, 35 Soc. Probs. at 13-15. David McDowall contends that there was no statistically significant change in the Kennesaw burglary rate. David McDowall et al., *General Deterrence through Civilian Gun Ownership*, 29 Criminology 541 (1991). Kleck responds that McDowall's assessment improperly combined household burglaries (which did decline substantially) with other forms of burglary, such as unoccupied businesses. Kleck, Point Blank: Guns and Violence in America 136-38 (1991). For more on the meaning of statistical significance, see Online Chapter 14.B.

4. Police Response as a Factor in the Decision to Own a Firearm

The debate about the need for individual firearms often involves claims about the effectiveness and adequacy of police response to crime. Police obviously cannot be everywhere at once. The list below is a random sampling of reported response times, showing how long it takes the police to arrive after being dispatched for the highest-priority calls. The times do not include the time that the caller waits for the 911 operator to pick up, and then talks with the operator, and obviously does not include the time it takes to get to a phone and make the call. In Washington, D.C., in 2003, the average police response time for highest-priority emergency calls was 8 minutes and 25 seconds. *Ramsey Defends 911 Response*, Wash. Times, May 11, 2004, at A1. In Salt Lake City, 911 callers are frequently put on hold. Debbie Dujanovic, 911 Nightmare Uncovered in Investigative Report, KSL.com, Nov. 1, 2007. The average response time for Priority One calls (defined as life-threatening emergencies) in Atlanta and its three surrounding counties is 11.1 minutes. *911 Response Times: An I-Team Investigation*, Fox 5 Atlanta, (cached version available at http://web.archive.org/web/20030220201600/http://www.fox5atlanta.com/iteam/911.html). In Los Angeles, the average emergency response time is 10.5 minutes. *LA Police Average over 10 Minutes in Responding to 911 Calls*, A.P. wire, July 1, 2003; *see also Cop Response Slows*, L.A. Daily News, July 22, 2001 (median of 8 minutes, 30 seconds; average of 12.1 minutes). In New York City response time is 7.2 minutes for crimes in progress. *Mayor Bloomberg Releases Fiscal 2005 Mayor's Management Report*, US States News, Sept. 12, 2005. The *New York Times* reported that in Nassau County, New York, in 2003, 11 percent of 911 callers got a prerecorded message and soothing music, rather than a human operator. *Nassau 911 Callers Are Being Put on Hold*, N.Y. Times, Sept. 14, 2003. The average response time for crime in progress calls in Rochester, New York, was 14 minutes, 31 seconds. Brief of Amici Curiae International Law Enforcement Educators and Trainers Association et al., Supporting Respondent, District of Columbia v. Heller, 554 U.S. 570 (2008) at 20 (citing Tim Macaluso, *POLICE: East Side Response Times Too Slow?*, City Newspaper, June 20, 2007.) In Philadelphia the time for Priority One calls is just under 7 minutes. Howard

Goodman, *A System Geared to Preventing "Another Polec,"* Phila. Inquirer, Aug. 3, 1998, at A1. The average in St. Petersburg, Florida, for Priority One (defined as "life-threatening") calls is 7 minutes, 5 seconds. Leanora Minai, *Is That Enough?*, St. Petersburg Times, Apr. 7, 2002, at 1B.

The issue of police response times does not arise, of course, in situations where a criminal is in control of a crime scene and does not permit his victim to call the police, and where neighbors are unavailable or unaware of the crime in progress.

NOTES & QUESTIONS

1. What would be an acceptable police response time? Assume you own a gun for self-defense. At what point, if any, would police response be so swift that you would choose to give up the option of a private firearm and rely on the police response?

5. Lawful Defensive Carry of Firearms

a. Crime outside the Home

Many gun owners wish to carry guns outside the home for self-defense. As discussed in Chapter 1, 42 states today provide a means by which most private citizens can exercise the choice to do so, typically by a "shall issue" system for issuing handgun carry permits to adults who pass a fingerprint-based background check and a safety training class. Many people who have carry permits do not carry all the time. Conversely, some otherwise law-abiding citizens are willing to carry handguns illegally when they cannot find a legal way to do so. The day-to-day decision to carry a gun (legally or illegally) is affected by a variety of factors, including the individual's assessment of the risk of being victimized by violent crime outside the home. Eighty-two percent of violent victimizations take place outside the victim's home. Bureau of Justice Statistics, *Criminal Victimization in the United States, 2008*, Statistical Tables, tbl. 61 (NCJ 231173, May 2011).

b. Do Concealed-Carry Laws Affect the Crime Rate?

Economist John Lott argues that one of the most substantial drivers of crime reduction is the proliferation of shall-issue concealed-carry licenses to law-abiding people. More guns in the hands of honest people in public spaces, says Lott, deters criminals and generates billions of dollars of benefits per year in avoided costs of crime. John Lott Jr., More Guns Less Crime: Understanding Crime and Gun Control Laws (3d ed. 2010). The majority of researchers who have tested Lott's hypothesis have at least partially agreed with him (finding some reduction in crime), while a significant minority have found that carry-licensing laws have no statistically discernible effect on crime.

The most influential of the latter group is the 2005 report from the National Research Council,[2] which assessed Lott's claims. A six-member majority of the NRC panel concluded that the data were inadequate to conclude whether right-to-carry laws increased or decreased crime. One panelist, political scientist James Q. Wilson, filed a dissent. Dissents are rare on NRC studies, and Wilson had supported gun control measures in the past. *See* James Q. Wilson, *Just Take Away Their Guns*, N.Y. Times Mag., Mar. 20, 1994, at 47. Wilson is one of the most respected political scientists of recent decades. He is best known as the originator of the "Broken Windows" theory of crime control — that controlling small indicia of disorder (such as unrepaired broken windows) can have a strong effect in suppressing major crimes in a neighborhood. Wilson's dissent and the majority's response fairly capture the state of this debate.

James Q. Wilson, Dissent
***in* National Research Council,**
Firearms and Violence: A Critical Review (2004) (App'x A)

The thrust of Chapter 6 of the committee's report is that studies purporting to show a relationship between right-to-carry (RTC) laws and crime rates are fragile. Though I am not an econometrician, I am struck by the fact that most studies of the effect of policy changes on crime rates are fragile in this sense: Different authors produce different results, and sometimes contradictory ones. This has been true of studies of the effect on crime rates of incapacitation (that is, taking criminals off the street), deterrence (that is, increasing the likelihood of conviction and imprisonment), and capital punishment. In my view, committees of the National Research Council that have dealt with these earlier studies have attempted, not simply to show that different authors have reached different conclusions, but to suggest which lines of inquiry, including data and models, are most likely to produce more robust results.

That has not happened here. Chapter 6 seeks to show that fragile results exist but not to indicate what research strategies might improve our understanding of the effects, if any, of RTC laws. To do the latter would require the committee to analyze carefully not only the studies by John Lott but those done by both his supporters and his critics. Here, only the work by Lott and his coauthors is subject to close analysis.

If this analysis of Lott's work showed that his findings are not supported by his data and models, then the conclusion that his results are fragile might be sufficient. But my reading of this chapter suggests that some of his results survive virtually every reanalysis done by the committee.

Lott argued that murder rates decline after the adoption of RTC laws even after allowing for the effect of other variables that affect crime rates. The committee has confirmed this. . . . This confirmation includes both the original data period (1977-1992) used by Lott and data that run through 2000. In view of the confirmation of the findings that shall-issue laws drive down

2. For more on the National Research Council, see The National Academies, National Research Council, About Us, http://www.nationalacademies.org/about/index.html.

the murder rate, it is hard for me to understand why these claims are called "fragile."

The only exceptions to this confirmation are, to me, quite puzzling. Tables 6-5 and 6-6 suggest that RTC laws have no effect on murder rates when no control variables are entered into the equations. These control variables (which include all of the social, demographic, and public policies other than RTC laws that might affect crime rates) are essential to understanding crime. Suppose Professor Jones wrote a paper saying that increasing the number of police in a city reduced the crime rate and Professor Smith wrote a rival paper saying that cities with few police officers have low crime rates. Suppose that neither Jones nor Smith used any control variables, such as income, unemployment, population density, or the frequency with which offenders are sent to prison in reaching their conclusions. If such papers were published, they would be rejected out of hand by the committee for the obvious reason that they failed to supply a complete account of the factors that affect the crime rate. One cannot explain crime rates just by observing the number of police in a city any more than one can explain them just by noting the existence of RTC laws.

It is not enough to say that it is hard to know the right set of control variables without calling into question the use of economics in analyzing public policy questions. All control variables are based on past studies and reasonable theories; any given selection is best evaluated by testing various controls in one's equations.

In addition, with only a few exceptions, the studies cited in Chapter 6, including those by Lott's critics, do not show that the passage of RTC laws drives the crime rates up (as might be the case if one supposed that newly armed people went about looking for someone to shoot). The direct evidence that such shooting sprees occur is nonexistent. The indirect evidence, as found in papers by Black and Nagin and Ayres and Donohue [in Chapter 6], is controversial. Indeed, the Ayres and Donohue paper shows that there was a "statistically significant downward shift in the trend" of the murder rate (NRC Report, Chapter 6, page 135). This suggests to me that for people interested in RTC laws, the best evidence we have is that they impose no costs but may confer benefits. That conclusion might be very useful to authorities who contemplate the enactment of RTC laws.

Finally, the committee suggests that extending the Lott model to include data through 2000 may show no effect of RTC laws on murder rates if one analyzes the data on a year-by-year basis. I wish I knew enough econometrics to feel confident about this argument, but I confess that at first blush it strikes me as implausible. To me, Lott's general argument is supported even though it is hard to assign its effect to a particular year. Estimating the effects of RTC laws by individual years reduces the number of observations and thus the likelihood of finding a statistically significant effect. It is possible that doing this is proper, but it strikes me that such an argument ought first to be tested in a peer-reviewed journal before it is used in this report as a sound strategy.

Even if the use of newer data calls into question the original Lott findings, a more reasonable conclusion is that Lott's findings depend on crime rate trends. The committee correctly notes that between 1977 and 1992 crime rates were rising rapidly while between 1993 and 1997 they were declining. Lott's original study was of the first time period. Suppose that his results are not as robust for

the second period. The committee concludes that this shows that his model suffers from "specification errors". Another and to me more plausible conclusion is that the effect of RTC laws on some crime rates is likely to be greater when those rates are rising than when they are falling. When crime rates are rising, public policy interventions (including deterrence, incapacitation, and RTC laws) are likely to make a difference because they create obstacles to the market and cultural forces that are driving crime rates up. But when crime rates are falling, such interventions may make less of a difference because they will be overwhelmed by market and cultural changes that make crime less attractive. This may or may not be a reasonable inference, but it is worthy of examination.

In sum, I find that the evidence presented by Lott and his supporters suggests that RTC laws do in fact help drive down the murder rate, though their effect on other crimes is ambiguous.

Committee Response to Wilson's Dissent
***in* National Research Council,**
Firearms and Violence: A Critical Review (2004) (App'x B)

This response addresses Professor Wilson's dissent from one aspect of the committee report. It is important to stress at the outset that his dissent focuses on one part of one chapter of the report. Except for the effects of right-to-carry laws on homicide, the entire committee is in agreement on the material in Chapter 6 and the report overall. In particular, the committee, including Wilson, found that "it is impossible to draw strong conclusions from the existing literature on the causal impact" of right-to-carry laws on violent and property crime in general and rape, aggravated assault, auto theft, burglary, and larceny in particular.

The only substantive issue on which the committee differed is whether the existing research supports the conclusion that right-to-carry laws substantially reduce murder. The report suggests that the scientific evidence is inconclusive. Wilson disagreed, arguing that virtually every estimate shows a substantial and statistically significant negative effect of right-to-carry laws on murder.

While it is true that most of the reported estimates are negative, several are positive and many are statistically insignificant. In addition, when we use Lott's trend model but restrict the out years to five years or less the trends for murder become positive and those for other crimes remain negative. Therefore, the key question is how to reconcile the contrary findings or, conversely, how to explain why these particular positive, or negative, findings should be dismissed. Three sets of results discussed more fully in Chapter 6 provide support for the committee's conclusion: Published studies, the committee's analysis of control variables, and the committee's analysis extending the time period.

1. Published studies. There is no question that the empirical results on the effects of right-to-carry laws on murder (and other crimes) are sensitive to seemingly small variations in data and specification. Indeed, Wilson agrees that a few studies find positive effects of right-to-carry laws on murder. We cite four studies . . . : Ayres and Donohue, Black and Nagin, Moody, and Plassmann and Tideman (cited in Chapter 6 of the NRC Report). There are almost certainly others.

The rest of the committee and Wilson agree that fragility does not prove that the results of any specific paper are incorrect. However, some of the published results must be incorrect because they are inconsistent with one another. The important question, therefore, is whether the correct results can be identified. The rest of the committee thinks that they cannot. Contrary to Wilson's claim, the committee did assess the existing body of empirical literature on right-to-carry laws (see the section beginning on page 127 and Tables 6-3 and 6-4). As described in the report, all of the empirical research on right-to-carry laws relies on the same conceptual and methodological ideas. Relative to the basic models estimated by Lott, some researchers used data from more counties and some from fewer; some used hybrid linear models while others used nonlinear specifications; some provide state-specific estimates while most provide a single national estimate; some added control variables while others used relatively parsimonious specifications; and so forth. All of the studies described in the literature review made plausible cases for their choices of models and data. Wilson seems to argue that a careful evaluation of the literature would reveal which paper or papers obtained correct results, but he does not suggest the evaluation criteria. The rest of the committee does not think that application of any scientific criteria to existing papers would identify the effects of right-to-carry laws on crime.

2. Committee control variable analysis. Chapter 6 shows that when the trend and dummy variable models do not include demographic and socioeconomic covariates (but do include year and county dummy variables) the estimates are relatively small, positive in one case, and statistically insignificant in all cases. Contrary to Wilson's assertion, the chapter does not claim that this or any other specification is correct. Rather, this finding simply reveals that "detecting the effect, if any, of right-to-carry laws requires controlling for appropriate confounding variables." In light of the fragility revealed in the literature, the fundamental issue is which set of covariates is sufficient to identify the effects of right-to-carry laws on homicide and other crimes. The importance of controlling for the correct set of covariates is well known. In fact, much of the debate between Lott and his statistically oriented critics focuses on determining the correct set of control variables. Everyone (including Wilson and the rest of the committee) agrees that control variables matter, but there is disagreement on the correct set. Thus, the facts that there is no way to statistically test for the correct specification and that researchers using reasonable specifications find different answers are highly relevant. Given the existing data and methods, the rest of the committee sees little hope of resolving this fundamental statistical problem.

Furthermore, the example of the relationship between crime rates and policing in the dissent raises another problem. The usual way one proceeds in research is to estimate the relationship between two variables and if a significant relationship is found controls are introduced to test the relationship. As the dissent notes, these controls are selected based on reasonable theories and research. In this case, the bivariate relationship (between right to carry laws and crime) is small, positive in one case, and insignificant in all. This is not like the hypothesized conflicting bivariate findings in Wilson's police example. Thus the selection of controls in the analysis of right-to-carry laws is as difficult as the committee contends.

3. Committee trend model analysis. Wilson states that the trend model analysis in Table 6-7 estimates the effects of right-to-carry laws on a yearly basis, rather than a single trend. This is incorrect. The estimates reported in Table 6-7 are found using Lott's trend model with restrictions on the number of post-adoption years used in the analysis. If the model is correctly specified, this restriction should be inconsequential. However, we find substantial differences, especially for murder. In fact, when we restrict the number of post-adoption years to five or fewer, the estimates switch from negative to positive. Thus, Model 6.2 appears to be misspecified. Moreover, despite Wilson's assertion, these types of sensitivity test are commonly used in peer-reviewed journals and are suggested by Rosenbaum (2001) as a way to assess the robustness of an empirical model. Of course, results like those reported in Chapter 6 might often lead a paper to be rejected from a peer-reviewed journal.

Wilson further suggests that Lott's findings may depend on the crime rate trends that changed dramatically over the course of the 1990s. All of the studies in this literature, however, attempt to control for trends in crime, and thus purport to reveal a time invariant effect of right-to-carry laws. If the effects vary by time, all of the existing models are misspecified.

In sum, we are encouraged that Professor Wilson agrees with the rest of the committee except for the specific conclusion regarding the effects of right-to-carry laws on murder. On this point, we find his arguments to be unconvincing and his summary of some parts of the chapter inaccurate. In our view the evidence on homicide is not noticeably different from that on other crimes evaluated in this literature and cannot be easily separated. If the effects of right-to-carry laws on violent and property crimes are ambiguous, as argued in Chapter 6, we see no reason why the same is not true of homicide. Professor Wilson may be correct on this matter — it is theoretically possible — but we maintain that the scientific evidence does not support his position.

NOTES & QUESTIONS

1. Debate over whether right-to-carry laws affect crime continues. One of the most recent efforts by John Donohue (whose earlier work with Ian Ayers was evaluated by the NRC) engages the dispute between Wilson and the panel majority. Donohue claims that both Wilson and the NRC majority are in error. *See* Abhay Aneja, John J. Donohue III, & Alexandria Zhang, *The Impact of Right to Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy*, 13 Am. L. & Econ. Rev. 565 (2011). The study reports a small, non-enduring, but statistically significant increase in rape and aggravated assaults.

The state data are very clear that carry permittees have minuscule gun crime rates. *See* David B. Kopel, *Pretend "Gun-Free" School Zones*, 42 Conn. L. Rev. 515, 564-72 (2009). According to the state data, carry permittees themselves are not perpetrating rapes (or assaults). So if Aneja, Donohue & Zhang are correct, the explanation would seem to be that would-be rapists and other criminals are *more* likely to attempt a rape or other violent attack if they live in a state where they know that the potential victim might be carrying a gun.

The Aneja article has some data errors, such as counting a single Alaska county 73 times in a single year, and providing the wrong years for when shall-issue laws went into effect in some states. (For example, the Kansas statute was enacted in 2006, not 1996). *See* Carlisle E. Moody et al., *Trust But Verify: Lessons for the Empirical Evaluation of Law and Policy* (Jan. 25, 2012), available at http://ssrn.com/abstract=2026957.

Another recent study, building on Donohue's prior research, finds a large and statistically significant decrease in robbery. Carlisle E. Moody & Thomas B. Marvell, *The Debate on Shall-Issue Laws*, 5 Econ. J. Watch 269 (2008).

How should one evaluate the conflicting empirical claims? Since you probably do not have a Ph.D. in econometrics (if you did, you wouldn't be in law school), how can you make an intellectually serious decision about the empirical case for or against right-to-carry laws?

2. Many people are skeptical of claims that more people carrying guns could reduce the crime rate. What does one have to believe about the decision making of the criminals in order to credit Lott's claims? What beliefs about the decision making of criminals contradict Lott's claims? Consider also the decision making of legal gun carriers.

3. Evaluate the use of the term "statistically significant"[3] by James Q. Wilson in the following passages: "[T]he Ayres and Donohue paper shows that there was a 'statistically significant downward shift in the trend' of the murder rate. . . . This suggests to me that for people interested in RTC laws, the best evidence we have is that they impose no costs but may confer benefits." and, in response to the suggestion that testing the data on a yearly basis would show no effect, "Estimating the effects of RTC laws by individual years reduces the number of observations and thus the likelihood of finding a statistically significant effect." Do the same for the following passage in the Committee's response: "[W]hen the trend and dummy variable models do not include demographic and socioeconomic covariates (but do include year and county dummy variables) the estimates are relatively small, positive in one case, and statistically insignificant in all cases."

4. Under what circumstances would you choose to seek a permit to carry a concealed firearm? Generally speaking, what is a sufficient reason for the

---

3. "Statistical significance" has a very precise meaning when used in the social sciences. When a social science study shows a correlation between two things (e.g., the rate of heart attacks on a given day, and whether the temperature that day was above 100 degrees Fahrenheit), the question arises whether it is due simply to chance. Statisticians use well-established formulas to estimate the probability that the correlation is simply due to chance.

Usually, a result is said to be "statistically significant" if the significance test's result is 0.05 or lower. In other words, there is a 95-percent probability that the correlation of the two things is not explained by mere chance, assuming that no confounding factors — unknown outside influences — are skewing the results. As a matter of standard practice, a correlation that is not statistically significant is ignored — that is, it is treated as if it does not exist, as if there is no correlation. Even a 94-percent probability is treated as if it did not exist.

For more on the meaning of "statistical significance" and the uses of significance testing, see online Chapter 14.B.

average person to be granted a permit to carry a gun? Does this differ from the reason sufficient to justify carrying another weapon, such as a knife or pepper spray?

5. Can you imagine circumstances where you would carry a gun illegally if you were denied a carry permit or you lived in a jurisdiction that refused to grant such permits? Are you comfortable with others making similar decisions?

L. Does Gun Control Reduce Crime?

One response to gun crime is to attempt to limit access to guns, especially by persons deemed untrustworthy. The federal Gun Control Act bans nine categories of people from possessing arms 18 U.S.C. 922(g). Prior to *Heller* (Chapter 9), a few cities (D.C., Chicago, and several Chicago suburbs) dispensed with the attempt to discern the untrustworthy and instead instituted blanket bans on the entire class of guns (handguns) most often used in crime. Banning guns avoids the difficulty of trying to distinguish between trustworthy and untrustworthy people; but bans also encounter the problem that many guns are already in the possession of individuals who may view them as important self-defense tools and therefore will not surrender them. The vast quantity of guns already in private hands raises serious questions about the efficacy of any proposal to ban all firearms, or to ban a class of firearms. *See* Nicholas J. Johnson, *Imagining Gun Control in America: Understanding the Remainder Problem*, 43 Wake Forest L. Rev. 837 (2008).

Some gun control advocates concede that gun control may have little effect on determined criminals, but they argue that stringent controls, or even prohibition, would be a good idea because they would disarm law-abiding persons. For example, a few days before the November 1976 vote on a handgun confiscation initiative in Massachusetts, Senator Edward Kennedy explained to a rally of confiscation supporters that "[w]e won't keep handguns out of the hands of criminals." Robert J. Rosenthal, Handgun Question Elicits Differing Styles, Emotions, Boston Globe, Oct. 25, 1976. After the initiative was defeated 69 percent to 31 percent, a disappointed official from the League of Women Voters (which had endorsed the initiative) said that "I think a lot of voters have the idea that this was designed to get guns away from the criminals. That's not the real purpose." Gwenn Wells, Weisner Breathes Easier with Gun Ban Defeat, Hyannis Times, Nov. 3, 1976.

1. The Argument for Disarming the Law-Abiding

District of Columbia Councilman David Clarke asserted the following rationale for enacting the handgun ban that was later invalidated in *Heller*: "[F]irearms are more frequently involved in deaths and violence among relatives and friends than in premeditated criminal activities. Most murders are committed by previously law-abiding citizens, in situations where spontaneous violence is generated by anger, passion, or intoxication, and where the killer and victims are acquainted. Twenty-five percent of these murders are within families." David

A. Clarke, Chairperson of the Committee on the Judiciary and Criminal Law, *Bill No. 1-164, the "Firearms Control Act of 1975"*, Apr. 21, 1976, at 5.

It is true that about 18 percent of homicides involve boyfriends/girlfriends, friends, or family members. "Acquaintance" homicides account for another 28 percent. However, it should be noted that the most common way that the "acquaintances" met was through "prior illegal transactions," such as drug dealing. Kleck, Targeting Guns, at 236, analyzing data from U.S. Dep't of Justice, Murder Cases in 33 Large Urban Counties in the United States, 1988. (http://www.icpsr.umich.edu/icpsrweb/NACJD/studies/9907), and Federal Bureau of Investigation, Supplementary Homicide Reports (1995).

Domestic homicides tend to be the final act of a long pattern of abuse, rather than a sudden flare-up by a previously law-abiding person. A Police Foundation study of Kansas City revealed that in 90 percent of homicides among family members, the police had been called to the home within the past two years. The median number of previous calls was five. Marie Wilt et al., Domestic Violence and the Police 23 (1977). A Massachusetts study found that 71 percent of domestic murderers had prior criminal history; 29 percent were under restraining orders at some point, and 17 percent were under an active restraining order at the time of the murder. Linda Langford et al., *Criminal and Restraining Order Histories of Intimate Partner-Related Homicide Offenders in Massachusetts, 1991-95*, *in* The Varieties of Homicide and Its Research (2000). A larger study published in 1998 found a history of domestic violence was present in 95.8 percent of the intra-family homicides studied. David Kennedy & Anthony Braga, *Homicide in Minneapolis: Research for Problem Solving*, 2 Homicide Stud. 263, 267 (1998).

Many domestic shootings involve lawful self-defense. Data from Detroit, Houston, and Miami showed very large majorities of wives who killed their husbands were not convicted, or even indicted, because they were "act[ing] in self-defense against husbands who are abusive to themselves, their children, or both." Margo Daly & Martin Wilson, Homicide 15, 199-200 (1988); *see also* Angela Browne, *Assault and Homicide at Home: When Battered Women Kill*, *in* 3 Advances Applied Soc. Psychol. 61 (Michael Saks & Leonard Saxe eds., 1986) (FBI data show that 4.8 percent of U.S. homicides are women killing a mate in self-defense). In a study of domestic violence victims in West Virginia shelters, "26.5% reported that they believed they would have to use a gun to protect themselves." Margaret Phipps Brown et al., The Role of Firearms in Domestic Violence 31 (2000).

It is very clear that an abused woman is at much greater risk if her abuser has a gun. An abuser's being armed creates a 7.59 odds ratio for increased risk of femicide. However, when an abuse victim lives apart from the abuser, there is evidently no heightened risk from owning a gun. Living alone and having a gun yields an odds ratio of 0.22, which means that the odds of femicide are *lower* than living with the abuser or alone but unarmed. Jacquelyn Campbell et al., *Risk Factors for Femicide in Abusive Relationships*, 93 Am. J. Pub. Health 1089, 1090-92 (2003). Among the nine categories of "prohibited persons" under the Gun Control Act (and its many state analogues) are persons subject to a domestic violence restraining order, persons convicted of a domestic violence misdemeanor against an intimate partner, or persons convicted of a felony, including nonviolent felonies such as drug possession. 18 U.S.C. §922(g).

For criminal homicide in general, as with criminal domestic homicide, the killers are not usually persons who were previously law-abiding. "Homicide

offenders are likely to commit their murders in the course of long criminal careers consisting primarily of nonviolent crimes but including larger than normal proportions of violent crimes." David Kennedy & Anthony Braga, *Homicide in Minneapolis: Research for Problem Solving*, 2 Homicide Stud. 263, 276 (1998). Kennedy and Braga's analysis of 1988 national data on homicide in 33 large cities showed that 54 percent of killers had a prior adult criminal record, 2 percent had a juvenile record only; no information was available on 25 percent; and 20 percent did not have criminal records. *Id.* Of Illinois murderers in 2001, 43 percent had an Illinois felony conviction within the previous ten years and 72 percent had an Illinois arrest. Philip Cook et al., *Criminal Records of Homicide Offenders*, 294 JAMA 538 (2005).

City-level studies have similar findings. A *New York Times* study of the murders in New York City in 2003-05 found "[m]ore than 90 percent of the killers had criminal records. . . ." Jo McGinty, *New York Killers, and Those Killed, by the Numbers*, N.Y. Times, Apr. 28, 2006. In 1989, the *New York Times* reported that in Washington, D.C., almost all the murderers and victims were "involved in the drug trade." Richard Berke, *Capital Offers a Ripe Market to Drug Dealers*, N.Y. Times, Mar. 28, 1989, at 1, 6. In Lowell, Massachusetts, "[s]ome 95% of homicide offenders" had been "arraigned at least once in Massachusetts courts" before they killed. "On average . . . homicide offenders had been arraigned for 9 prior offenses. . . ." Anthony Braga et al., *Understanding and Preventing Gang Violence: Problem Analysis and Response Development in Lowell, Massachusetts*, 9 Police Q. 20, 29-31 (2006). Baltimore police records show that 92 percent of 2006 murder suspects had criminal records. Gus Sentementes, *Patterns Persist in City Killings: Victims, Suspects Usually Black Men with Long Criminal Histories*, Balt. Sun, Jan. 1, 2007. The Kennedy and Braga study of Minneapolis homicide offenders found that 73 percent had been arrested at least once by the Minneapolis Police Department, with an average number of 7.4 arrests. Kennedy & Braga, *Homicide in Minneapolis*, *supra*, at 276, 283 (studying homicides perpetrated from Jan. 1, 1994, to May 24, 1997, and examining suspects' MPD arrest records from 1990 onward; the study did not examine records of arrests by other law enforcement).

A comprehensive review of the data concludes that "[t]he vast majority of persons involved in life threatening violence have a long criminal record with many prior contacts with the justice system." Delbert Elliott, *Life Threatening Violence Is* Primarily *a Crime Problem*, 69 Colo. L. Rev. 1081, 1093 (1998).

NOTES & QUESTIONS

1. Note that the claims about the criminal history of most murderers indicate that they are already legally prohibited from possessing firearms, yet firearms are nevertheless employed in most murders (see Section F). Can you imagine a policy that would address this problem?

2. Look again at Tables 12-8 and 12-9. Do the assessments in this section comport with the FBI data on murder circumstances. What additional details would you like to have about these episodes? Would that information change your assessment of the problem?

2. National Research Council Metastudy of Gun Control

One of the most comprehensive evaluations of the effectiveness and viability of modern gun control proposals was conducted by the National Research Council. This metastudy was sponsored by several organizations, including those with forthright gun control agendas. As shown in the excerpt below, the conclusion of this assessment was agnostic about the effectiveness of existing gun control measures. Another thoughtful study is James B. Jacobs, Can Gun Control Work? (2002).

National Research Council, Firearms and Violence: A Critical Review
2-10 (2004) (Executive Summary)

Major Conclusions

Empirical research on firearms and violence has resulted in important findings that can inform policy decisions. In particular, a wealth of descriptive information exists about the prevalence of firearm-related injuries and deaths, about firearms markets, and about the relationships between rates of gun ownership and violence. Research has found, for example, that higher rates of household firearms ownership are associated with higher rates of gun suicide, that illegal diversions from legitimate commerce are important sources of crime guns and guns used in suicide, that firearms are used defensively many times per day, and that some types of targeted police interventions may effectively lower gun crime and violence. This information is a vital starting point for any constructive dialogue about how to address the problem of firearms and violence.

While much has been learned, much remains to be done, and this report necessarily focuses on the important unknowns in this field of study. The committee found that answers to some of the most pressing questions cannot be addressed with existing data and research methods, however well designed. For example, despite a large body of research, the committee found no credible evidence that the passage of right-to-carry laws decreases or increases violent crime, and there is almost no empirical evidence that the more than 80 prevention programs focused on gun-related violence have had any effect on children's behavior, knowledge, attitudes, or beliefs about firearms. The committee found that the data available on these questions are too weak to support unambiguous conclusions or strong policy statements.

Drawing causal inferences is always complicated and, in the behavioral and social sciences, fraught with uncertainty. Some of the problems that the committee identifies are common to all social science research. In the case of firearms research, however, the committee found that even in areas in which the data are potentially useful, the complex methodological problems inherent in unraveling causal relationships between firearms policy and violence have not been fully considered or adequately addressed.

Nevertheless, many of the shortcomings described in this report stem from the lack of reliable data itself rather than the weakness of methods. In some

instances — firearms violence prevention, for example — there are no data at all. Even the best methods cannot overcome inadequate data and, because the lack of relevant data colors much of the literature in this field, it also colors the committee's assessment of that literature.

Data Recommendations

If policy makers are to have a solid empirical and research base for decisions about firearms and violence, the federal government needs to support a systematic program of data collection and research that specifically addresses that issue. Adverse outcomes associated with firearms, although large in absolute numbers, are statistically rare events and therefore are not observed with great frequency, if at all, in many ongoing national probability samples (i.e., on crime victimization or health outcomes). The existing data on gun ownership, so necessary in the committee's view to answering policy questions about firearms and violence, are limited primarily to a few questions in the General Social Survey. There are virtually no ongoing, systematic data series on firearms markets. Aggregate data on injury and ownership can only demonstrate associations of varying strength between firearms and adverse outcomes of interest. Without improvements in this situation, the substantive questions in the field about the role of guns in suicide, homicide and other crimes, and accidental injury are likely to continue to be debated on the basis of conflicting empirical findings.

Emerging data systems on violent events

The committee reinforces recommendations made by past National Research Council committees and others to support the development and maintenance of the National Violent Death Reporting System and the National Incident-Based Reporting System. These data systems are designed to provide information that characterizes violent events. No single system will provide data that can answer all policy questions, but the necessary first step is to collect accurate and reliable information to describe the basic facts about violent injuries and deaths. The committee is encouraged by the efforts of the Harvard School of Public Health's Injury Control Research Center pilot data collection program and the recent seed money provided to implement a Violent Death Reporting System at the Centers for Disease Control and Prevention.

Ownership data

The inadequacy of data on gun ownership and use is among the most critical barriers to better understanding of gun violence. Such data will not by themselves solve all methodological problems. However, its almost complete absence from the literature makes it extremely difficult to understand the complex personality, social, and circumstantial factors that intervene between a

firearm and its use. Also difficult to understand is the effect, if any, of programs designed to reduce the likelihood that a firearm will cause unjustified harm, or to investigate the effectiveness of firearm use in self-defense. We realize that many people have deeply held concerns about expanding the government's knowledge of who owns guns and what type of guns they own. We also recognize the argument that some people may refuse to supply such information in any system, especially those who are most likely to use guns illegally. The committee recommends a research effort to determine whether or not these kinds of data can be accurately collected with minimal risk to legitimate privacy concerns.

A starting point is to assess the potential of ongoing surveys. For example, efforts should be undertaken to assess whether tracing a larger fraction of guns used in crimes, regularly including questions on gun access and use in surveys and longitudinal studies (as is done in data from the ongoing, yearly Monitoring the Future survey), or enhancing existing items pertaining to gun ownership in ongoing national surveys may provide useful research data. To do this, researchers need access to the data. The committee recommends that appropriate access be given to data maintained by regulatory and law enforcement agencies, including the trace data maintained by the Bureau of Alcohol, Tobacco, and Firearms; registration data maintained by the Federal Bureau of Investigation and state agencies; and manufacturing and sales data for research purposes.

In addition, researchers need appropriate access to the panel data from the Monitoring the Future survey. These data may or may not be useful for understanding firearms markets and the role of firearms in crime and violence. However, without access to these systems, researchers are unable to assess their potential for providing insight into some of the most important firearms policy and research questions. Concerns about security and privacy must be addressed in the granting of greater access to these data, and the systems will need to be continually improved to make them more useful for research. Nevertheless, there is a long-established tradition of making sensitive data available with appropriate safeguards to researchers.

METHODOLOGICAL APPROACHES

Difficult methodological issues exist regarding how different data sets might be used to credibly answer the complex causal questions of interest.

The committee recommends that a methodological research program be established to address these problems. The design for data collection and analysis should be selected in light of particular research questions. For example, how, if at all, could improvements in current data, such as firearms trace data, be used in studies of the effects of policy interventions on firearms markets or any other policy issue? What would the desired improvements contribute to research on policy interventions for reducing firearms violence? Linking the research and data questions will help define the data that are needed. We recommend that the results of such research be regularly reported in the scientific literature and in forums accessible to investigators.

Research Recommendations

firearms, criminal violence, and suicide

Despite the richness of descriptive information on the associations between firearms and violence at the aggregate level, explaining a violent death is a difficult business. Personal temperament, the availability of weapons, human motivation, law enforcement policies, and accidental circumstances all play a role in leading one person but not another to inflict serious violence or commit suicide.

Because of current data limitations, researchers have relied primarily on two different methodologies. First, some studies have used case-control methods, which match a sample of cases, namely victims of homicide or suicide, to a sample of controls with similar characteristics but who were not affected by violence. Second, some "ecological" studies compare homicide or suicide rates in large geographic areas, such as counties, states, or countries, using existing measures of ownership.

Case-control studies show that violence is positively associated with firearms ownership, but they have not determined whether these associations reflect causal mechanisms. Two main problems hinder inference on these questions. First and foremost, these studies fail to address the primary inferential problems that arise because ownership is not a random decision. For example, suicidal persons may, in the absence of a firearm, use other means of committing suicide. Homicide victims may possess firearms precisely because they are likely to be victimized. Second, reporting errors regarding firearms ownership may systemically bias the results of estimated associations between ownership and violence.

Ecological studies currently provide contradictory evidence on violence and firearms ownership. For example, in the United States, suicide appears to be positively associated with rates of firearms ownership, but homicide is not. In contrast, in comparisons among countries, the association between rates of suicide and gun ownership is nonexistent or very weak but there is a substantial association between gun ownership and homicide. These cross-country comparisons reflect the fact that the suicide rate in the United States ranks toward the middle of industrialized countries, whereas the U.S. homicide rate is much higher than in all other developed countries.

The committee cannot determine whether these associations demonstrate causal relationships. There are three key problems. First, as noted above, these studies do not adequately address the problem of self-selection. Second, these studies must rely on proxy measures of ownership that are certain to create biases of unknown magnitude and direction. Third, because the ecological correlations are at a higher geographic level of aggregation, there is no way of knowing whether the homicides or suicides occurred in the same areas in which the firearms are owned.

In summary, the committee concludes that existing research studies and data include a wealth of descriptive information on homicide, suicide, and firearms, but, because of the limitations of existing data and methods, do not credibly demonstrate a causal relationship between the ownership of firearms and the causes or prevention of criminal violence or suicide. The issue of substitution (of the means of committing homicide or suicide) has been almost

entirely ignored in the literature. What sort of data and what sort of studies and improved models would be needed in order to advance understanding of the association between firearms and suicide? Although some knowledge may be gained from further ecological studies, the most important priority appears to the committee to be individual-level studies of the association between gun ownership and violence. Currently, no national surveys on ownership designed to examine the relationship exist. The committee recommends support of further individual-level studies of the link between firearms and both lethal and nonlethal suicidal behavior.

DETERRENCE AND DEFENSE

Although a large body of research has focused on the effects of firearms on injury, crime, and suicide, far less attention has been devoted to understanding the defensive and deterrent effects of firearms. Firearms are used by the public to defend against crime. Ultimately, it is an empirical question whether defensive gun use and concealed weapons laws generate net social benefits or net social costs.

DEFENSIVE GUN USE

Over the past decade, a number of researchers have conducted studies to measure the prevalence of defensive gun use in the population. However, disagreement over the definition of defensive gun use and uncertainty over the accuracy of survey responses to sensitive questions and the methods of data collection have resulted in estimated prevalence rates that differ by a factor of 20 or more. These differences in the estimated prevalence rates indicate either that each survey is measuring something different or that some or most of them are in error. Accurate measurement on the extent of defensive gun use is the first step for beginning serious dialogue on the efficacy of defensive gun use at preventing injury and crime.

For such measurement, the committee recommends that a research program be established to (1) clearly define and understand what is being measured, (2) understand inaccurate response in the national gun use surveys, and (3) apply known methods or develop new methods to reduce reporting errors to the extent possible. A substantial research literature on reporting errors in other contexts, as well as well-established survey sampling methods, can and should be brought to bear to evaluate these response problems.

RIGHT-TO-CARRY LAWS

A total of 34 states [now 42 — EDS.] have laws that allow qualified adults to carry concealed handguns. Right-to-carry laws are not without controversy: some people believe that they deter crimes against individuals; others argue that they have no such effect or that they may even increase the level of firearms violence.

This public debate has stimulated the production of a large body of statistical evidence on whether right-to-carry laws reduce or increase crimes against individuals.

However, although all of the studies use the same basic conceptual model and data, the empirical findings are contradictory and in the committee's view highly fragile. Some studies find that right-to-carry laws reduce violent crime, others find that the effects are negligible, and still others find that such laws increase violent crime. The committee concludes that it is not possible to reach any scientifically supported conclusion because of (a) the sensitivity of the empirical results to seemingly minor changes in model specification, (b) a lack of robustness of the results to the inclusion of more recent years of data (during which there were many more law changes than in the earlier period), and (c) the statistical imprecision of the results. The evidence to date does not adequately indicate either the sign or the magnitude of a causal link between the passage of right-to-carry laws and crime rates. Furthermore, this uncertainty is not likely to be resolved with the existing data and methods. If further headway is to be made, in the committee's judgment, new analytical approaches and data are needed. (One committee member has dissented from this view with respect to the effects of these laws on homicide rates.)

INTERVENTIONS TO REDUCE VIOLENCE AND SUICIDE

Even if it were to be shown that firearms are a cause of lethal violence, the development of successful programs to reduce such violence would remain a complex undertaking, because such interventions would have to address factors other than the use of a gun. Three chapters in this report focus specifically on what is known about various interventions aimed at reducing firearms violence by restricting access, or implementing prevention programs, or implementing criminal justice interventions. These chapters focus largely on what is known about the effects of different interventions on criminal violence. Although suicide prevention rarely has been the basis for public support of the passage of specific gun laws, such laws could have unintended effects on suicide rates or unintended by-products. Thus, in addition to the recommendations related to firearms and crime below, the committee also recommends further studies of the link between firearms policy and suicide.

RESTRICTING ACCESS

Firearms are bought and sold in markets, both formal and informal. To some observers this suggests that one method for reducing the burden of firearm injuries is to intervene in these markets so as to make it more expensive, inconvenient, or legally risky to obtain firearms for criminal use or suicide. Market-based interventions intended to reduce access to guns by criminals and other unqualified persons include taxes on weapons and ammunition, tough regulation of federal firearm licensees, limits on the number of firearms

that can be purchased in a given time period, gun bans, gun buy-backs, and enforcement of laws against illegal gun buyers or sellers.

Because of the pervasiveness of guns and the variety of legal and illegal means of acquiring them, it is difficult to keep firearms from people barred by law from possessing them. The key question is substitution. In the absence of the pathways currently used for gun acquisition, could individuals have obtained alternative weapons with which they could have wrought equivalent harm? Substitution can occur in many dimensions: offenders can obtain different guns, they can get them from different places, and they can get them at different times.

Arguments for and against a market-based approach are now largely based on speculation, not on evidence from research. It is simply not known whether it is actually possible to shut down illegal pipelines of guns to criminals nor the costs of doing so. Answering these questions is essential to knowing whether access restrictions are a possible public policy. The committee has not attempted to identify specific interventions, research strategies, or data that might be suited to studying market interventions, substitution, and firearms violence. Rather, the committee recommends that work be started to think carefully about possible research and data designs to address these issues.

PREVENTION PROGRAMS AND TECHNOLOGY

Firearm violence prevention programs are disseminated widely in U.S. public school systems to children ages 5 to 18, and safety technologies have been suggested as an alternative means to prevent firearm injuries. The actual effects of a particular prevention program on violence and injury, however, have been little studied and are difficult to predict. For children, firearm violence education programs may result in increases in the very behaviors they are designed to prevent, by enhancing the allure of guns for young children and by establishing a false norm of gun-carrying for adolescents. Likewise, even if perfectly reliable, technology that serves to reduce injury among some groups may lead to increased deviance or risk among others.

The committee found little scientific basis for understanding the effects of different prevention programs on the rates of firearm injuries. Generally, there has been scant funding for evaluation of these programs. For the few that have been evaluated, there is little empirical evidence of positive effects on children's knowledge, attitudes, beliefs, or behaviors. Likewise, the extent to which different technologies affect injuries remains unknown. Often, the literature is entirely speculative. In other cases, for example the empirical evaluations of child access prevention (CAP) laws, the empirical literature reveals conflicting estimates that are difficult to reconcile.

In light of the lack of evidence, the committee recommends that firearm violence prevention programs should be based on general prevention theory, that government programs should incorporate evaluation into implementation efforts, and that a sustained body of empirical research be developed to study the effects of different safety technologies on violence and crime.

CRIMINAL JUSTICE INTERVENTIONS

Policing and sentencing interventions have had recent broad bipartisan support and are a major focus of current efforts to reduce firearms violence. These policies generally do not affect the ability of law-abiding citizens to keep guns for recreation or self-defense, and they have the potential to reduce gun violence by deterring or incapacitating violent offenders. Descriptive accounts suggest that some of these policies may have had dramatic crime-reducing effects: homicide rates fell dramatically after the implementation of Boston's targeted policing program, Operation Ceasefire, and Richmond's sentencing enhancement program, Project Exile.[4]

Despite these apparent associations between crime and policing policy, however, the available research evidence on the effects of policing and sentencing enhancements on firearm crime is limited and mixed. Some sentencing enhancement policies appear to have modest crime-reducing effects, while the effects of others appear to be negligible.

The limited evidence on Project Exile suggests that it has had almost no effect on homicide. Several city-based quasi-random interventions provide favorable evidence on the effectiveness of targeted place-based gun and crime suppression patrols, but this evidence is both application-specific and difficult to disentangle. Evidence on Operation Ceasefire, perhaps the most frequently cited of all targeted policing efforts to reduce firearms violence, is limited by the fact that it is a single case at a specific time and location. Scientific support for the effectiveness of the Boston Gun Project and most other similar types of targeted policing programs is still evolving.

The lack of research on these potentially important kinds of policies is an important shortcoming in the body of knowledge on firearms injury interventions. These programs are widely viewed as effective, but in fact knowledge of whether and how they reduce crime is limited. Without a stronger research base, policy makers considering adoption of similar programs in other settings must make decisions without knowing the true benefits and costs of these policing and sentencing interventions.

The committee recommends that a sustained, systematic research program be conducted to assess the effect of targeted policing and sentencing aimed at firearms offenders. Additional insights may be gained from using observational data from different applications, especially if combined with more thoughtful behavioral models of policing and crime. City-level studies on the effect of sentencing enhancement policies need to engage more rigorous methods, such as pooled time-series cross-sectional studies that allow the detection of short-term impacts while controlling for variation in violence levels across different areas as well as different times. Another important means of assessing the impact of these types of targeted policing and sentencing interventions would be to conduct randomized experiments to disentangle the effects of the various levers, as well as to more generally assess the effectiveness of these targeted policing programs.

---

4. [Project Exile was a program to provide extra resources for federal prosecutions of convicted felons caught in illegal possession of a gun, in order to impose the stringent federal mandatory sentences for felons in possession. — EDS.]

NOTES & QUESTIONS

1. One response to the critique that the effectiveness of existing gun controls has not been demonstrated is that the gun control agenda was never fully implemented. For an assessment of the likely consequences of full implementation, see Johnson, *Imagining Gun Control in America*, *supra*.

2. The NRC points to the lack of solid data about gun ownership (also discussed in Section B of this chapter) as an obstacle to empirical research on firearms policy. How could research needs be satisfied without violating what the NRC calls "legitimate privacy concerns"?

3. The NRC's core conclusion is that existing social science research is inconclusive on whether gun control laws work, or whether guns in the right hands protect public safety. If so, on what basis should people make decisions about firearms policy?

M. Polling Data about Gun Control and Gun Rights

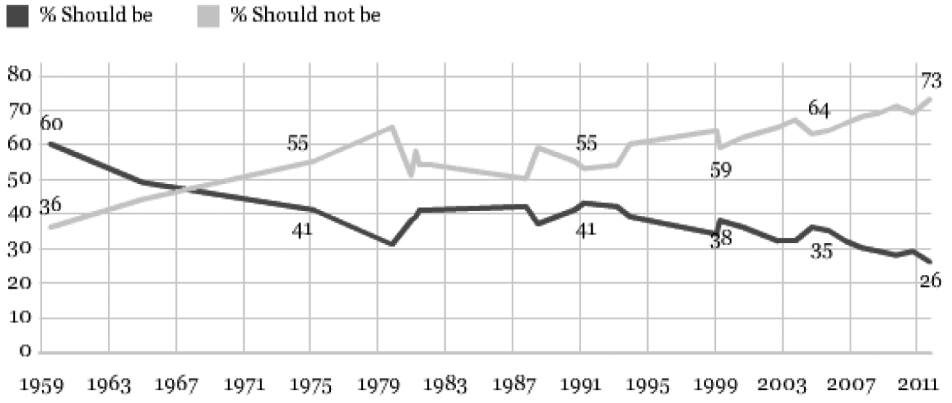
Public attitudes about gun control surely affect policy initiatives of public officials and perhaps even influence courts. *See, e.g.*, Cass R. Sunstein, *Second Amendment Minimalism:* Heller *as* Griswold, 122 Harv. L. Rev. 246 (2008). Attitudes about gun control are sometimes obscured by vague or tendentious survey questions. *See* Gary A. Mauser & David B. Kopel, *Sorry, Wrong Number: Why Media Polls on Gun Control Are So Often Unreliable,* 9 Pol. Comm. & Persuasion 69 (1992). However, most will acknowledge that actual gun bans constitute "strict gun control." On that measure, support for strict gun control, in the form of a handgun ban (like those overturned in *Heller* (Chapter 9) and *McDonald* (Chapter 9), is at an all-time low. The Gallup report below shows the history of public attitudes about handgun bans and how those attitudes vary among different demographic groups.

1. Public Opinion

Jeffrey M. Jones, Record-Low 26% in U.S. Favor Handgun Ban Support for Stricter Gun Laws in General Is Lowest Gallup Has Measured (Oct. 26, 2011)
Gallup.com

A record-low 26% of Americans favor a legal ban on the possession of handguns in the United States other than by police and other authorized people. When Gallup first asked Americans this question in 1959, 60% favored banning handguns. But since 1975, the majority of Americans have opposed such a measure, with opposition around 70% in recent years.

*Do you think there should or should not be a law that would ban the possession of handguns, except by the police and other authorized persons?**

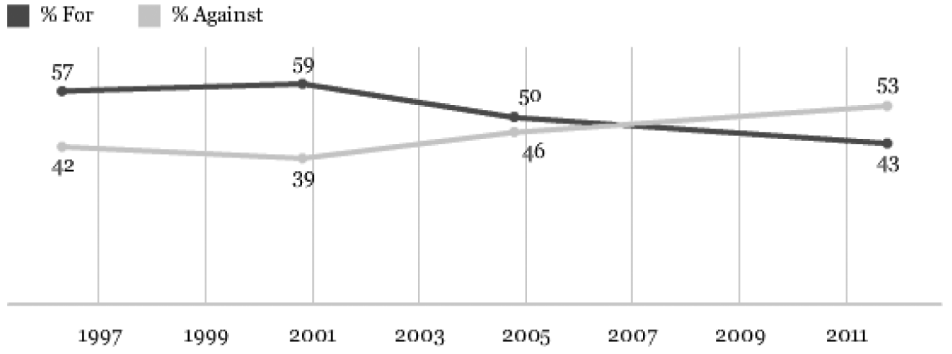


GALLUP

The results are based on Gallup's annual Crime poll, conducted Oct. 6-9 [2011]. This year's poll finds support for a variety of gun-control measures at historical lows, including the ban on handguns, which is Gallup's longest continuing gun-control trend.

For the first time, Gallup finds greater opposition to than support for a ban on semiautomatic guns or assault rifles, 53% to 43%. In the initial asking of this question in 1996, the numbers were nearly reversed, with 57% for and 42% against an assault rifle ban. Congress passed such a ban in 1994, but the law expired when Congress did not act to renew it in 2004. Around the time the law expired, Americans were about evenly divided in their views.

Are you for or against a law which would make it illegal to manufacture, sell, or possess semiautomatic guns known as assault rifles?



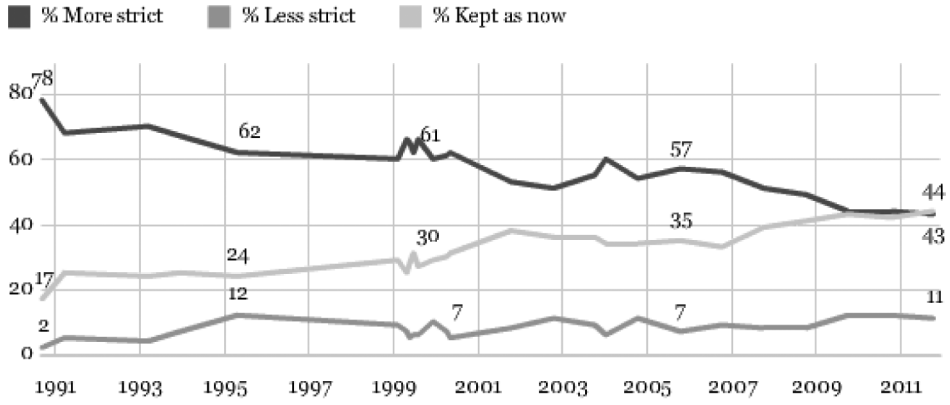
GALLUP

* [The results may overstate support for handgun prohibition, since some respondents may interpret "other authorized persons" as implying a non-prohibitory licensing system. — EDS.]

Additionally, support for the broader concept of making gun laws "more strict" is at its lowest by one percentage point (43%). Forty-four percent prefer that gun laws be kept as they are now, while 11% favor less strict laws.

As recently as 2007, a majority of Americans still favored stricter laws, which had been the dominant view since Gallup first asked the question in 1990.

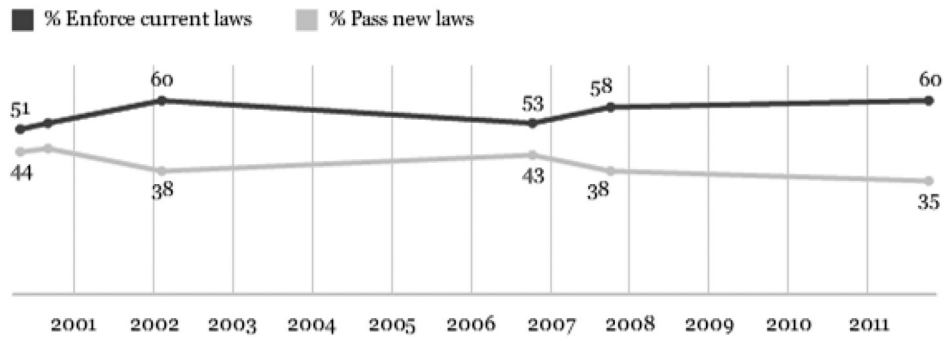
In general, do you feel that the laws covering the sale of firearms should be made more strict, less strict, or kept as they are now?



GALLUP

Americans' preference regarding gun laws is generally that the government enforce existing laws more strictly and not pass new laws (60%) rather than pass new gun laws in addition to stricter enforcement of existing laws (35%). That has been the public's view since Gallup first asked the question in 2000; the 60% this year who want stricter enforcement but no new laws is tied for the high in the trend.

In terms of gun laws in the United States, which of the following would you prefer to see happen -- [ROTATE: enforce the current gun laws more strictly and NOT pass new gun laws (or) pass new gun laws in addition to enforcing the current laws more strictly]?



GALLUP

Support for Stricter Gun Laws Down Among Key Subgroups

All key subgroups show less support for stricter gun laws, and for a ban on handguns, than they did 20 years ago. In 1991, 68% of Americans favored stricter gun laws and 43% favored a ban on handguns. Those percentages are 43% and 26%, respectively, today.

Relatively few key subgroups favor stricter gun-control laws today, whereas in 1991, all did. Since then, Democrats' views have shown less change, with a 10-point decline in the percentage favoring stricter laws. Republicans show a much larger decline of 35 points. In addition to Democrats, majorities of Eastern residents and those without guns in their household still favor stricter gun laws.

Percentage Favoring Stricter Laws Covering the Sale of Firearms, by Subgroup, 1991 and 2011 Gallup Polls

	1991 %	2011 %	Change (pct. pts.)
Men	59	37	-22
Women	76	50	-26
18 to 29 years	62	39	-23
30 to 49 years	69	43	-26
50+ years	71	45	-26
College	72	43	-29
No college	65	44	-21
East	77	54	-23
Midwest	72	37	-35
South	61	40	-21
West	63	44	-19
Democrat	74	64	-10
Independent	65	37	-28
Republican	66	31	-35
Gun in household	56	29	-27
No gun in household	78	57	-21

GALLUP®

Democrats, Eastern residents, members of gun nonowning households, and women were among the few subgroups to favor a ban on handguns in 1991, but now no key subgroup has a majority in favor. Those with guns in their household are least likely to favor a handgun ban.

Percentage Favoring a Ban on Handguns, by Subgroup, 1991 and 2011 Gallup Polls

	1991 %	2011 %	Change (pct. pts.)
Men	34	20	-14
Women	51	31	-20
18 to 29 years	39	32	-7
30 to 49 years	39	23	-16
50+ years	50	25	-25
College	44	24	-20
No college	42	28	-14
East	55	36	-19
Midwest	49	25	-24
South	34	21	-13
West	35	24	-11
Democrat	54	37	-17
Independent	40	23	-17
Republican	35	16	-19
Gun in household	24	12	-12
No gun in household	59	39	-20

GALLUP

Implications

Americans have shifted to a more pro-gun view on gun laws, particularly in recent years, with record-low support for a ban on handguns, an assault rifle ban, and stricter gun laws in general. This is the case even as high-profile incidents of gun violence continue in the United States, such as the January [2012] shootings at a meeting for U.S. Rep. Gabrielle Giffords in Arizona.

The reasons for the shift do not appear related to reactions to the crime situation, as Gallup's Crime poll shows no major shifts in the trends in Americans' perceptions of crime, fear of crime, or reports of being victimized by crime in recent years. Nor does it appear to be tied to an increase in gun ownership, which has been around 40% since 2000, though it is a slightly higher 45% in this year's update. The 2011 updates on these trends will appear on Gallup.com in the coming days.

Perhaps the trends are a reflection of the American public's acceptance of guns. In 2008, Gallup found widespread agreement with the idea that the Second Amendment of the U.S. Constitution guarantees the right of Americans to own guns. Americans may also be moving toward more libertarian views in some areas, one example of which is greater support for legalizing marijuana use. Diminished support for gun-control laws may also be tied to the lack of major gun-control legislation efforts in Congress in recent years.

2. Police Attitudes about Firearms and Gun Control

Like teachers, nurses, or any other large group, police officers have diverse opinions on policy issues. Police polls do consistently show that a very large majority of rank-and-file police support firearms ownership by law-abiding people. *See, e.g.*, David Griffith, *Shooting Straight: The Majority of Cops Believe Citizens Should Have the Right to Own Handguns*, Police, Mar. 2007, at 10; *Officers Emphatically Say "No" to Gun Control*, Police, Mar. 2007, at 14 (both articles reporting results of a survey conducted by the magazine); *Police Views on Gun Control*, Austin Am.-Statesman, Oct. 4, 1993, at A8 (1993 poll by the Southern States Police Benevolent Association shows that 90% of southern police feel that the Constitution protects the right of individuals to keep and bear arms); *Funny You Should Ask*, Police, Apr. 1993, at 56 (85% of police believe civilian gun ownership increases public safety); *The Law Enforcement Technology Gun Control Survey*, Law Enforcement Tech., July/Aug. 1991, at 14-15 ("75% do not favor gun control legislation . . . with street officers opposing it by as much as 85%").

The first national poll of police attitudes toward gun control was conducted by the Planning and Research Department of the Boston Police Department in 1976, at the order of Boston Police Commissioner Robert DiGrazia, who was surprised at the widespread police opposition to a handgun confiscation initiative on the Massachusetts ballot. Chapter 8.C.5. In a survey of leading police officials (not rank and file), 82.8 percent rejected the idea that only the police should be allowed to own handguns.

NOTES & QUESTIONS

1. To what extent should police views be considered persuasive on issues involving civil liberties or criminal justice?

2. Do the trends described in this Gallup article comport with your intuitions about who would support gun bans and why? Why do you think that support for handgun bans is down among all groups?

Appendix
Firearms and Violent Crime Measures by State

Justice Brandeis commented in 1932 that one of the happy incidents of the American federalism was that states could serve as laboratories of democracy. As illustrated throughout the book, gun regulation varies substantially across the individual states, even after *Heller* (Chapter 9). It is difficult to draw conclusions about the effectiveness of various gun control measures from simple comparisons between states because many variables can affect outcomes in complicated systems. Still, it can be illuminating to see how different states, with very different gun control laws, experience the costs, benefits, and problems associated with firearms. This appendix provides a series of tables illustrating the experiences of individual states on a variety of measures. These data may aid you in developing research themes. They also will likely confirm, complicate, and defy your intuitions about firearms policy.

2009 Murder Arrests
10,554 Total Arrests Nationally

Rank	*State*	*Arrests*	*% of USA*
1	California	1,811	17.2%
2	Texas	823	7.8%
3	Florida	779	7.4%
4	Pennsylvania	526	5.0%
5	North Carolina	483	4.6%
6	Georgia	430	4.1%
7	Missouri	388	3.7%
8	Illinois	380	3.6%
9	Tennessee	321	3.0%
10	Maryland	318	3.0%
11	Alabama	292	2.8%
12	New York	279	2.6%
13	Virginia	267	2.5%
14	South Carolina	234	2.2%
15	Ohio	232	2.2%
16	New Jersey	229	2.2%
17	Michigan	221	2.1%
18	Arizona	202	1.9%
18	Indiana	202	1.9%
20	Oklahoma	197	1.9%
21	Louisiana	182	1.7%
22	Colorado	166	1.6%
23	Nevada	149	1.4%
24	Kentucky	142	1.3%
24	Wisconsin	142	1.3%
26	Washington	138	1.3%
27	Connecticut	118	1.1%
28	Arkansas	113	1.1%
29	Mississippi	109	1.0%
30	Minnesota	103	1.0%
31	Massachusetts	76	0.7%
32	Oregon	72	0.7%
33	New Mexico	69	0.7%
34	Kansas	46	0.4%
35	West Virginia	42	0.4%
36	Utah	37	0.4%
37	Nebraska	35	0.3%
38	Delaware	31	0.3%
39	Iowa	27	0.3%
40	Alaska	22	0.2%
41	Maine	19	0.2%
42	Montana	18	0.2%
43	Hawaii	16	0.2%
43	Idaho	16	0.2%
43	Wyoming	16	0.2%
46	Rhode Island	12	0.1%
47	North Dakota	8	0.1%
48	South Dakota	7	0.1%
49	Vermont	6	0.1%
50	New Hampshire	3	0.0%
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 9 (Kathleen O. Morgan et al. eds., 2011).

2009 Murder Arrest Rate
4.1 Reported Arrests Nationally per 100,000 Population

Rank	*State*	*Rate*
1	Alabama	7.9
2	Louisiana	7.6
3	Missouri	7.0
3	North Carolina	7.0
5	Mississippi	6.7
6	Tennessee	6.6
7	Georgia	6.4
8	Kentucky	6.2
9	Nevada	5.9
10	Maryland	5.6
10	Oklahoma	5.6
12	South Carolina	5.3
13	California	4.9
14	Arkansas	4.6
15	New Mexico	4.5
15	Pennsylvania	4.5
15	West Virginia	4.5
18	Indiana	4.3
19	Florida	4.2
20	Colorado	3.7
21	Virginia	3.6
22	Delaware	3.5
23	Connecticut	3.4
23	Texas	3.4
25	Alaska	3.2
26	Arizona	3.1
27	Wyoming	3.0
28	Ohio	2.9
29	Washington	2.8
30	New Jersey	2.7
31	New York	2.6
31	Wisconsin	2.6
33	Kansas	2.5
34	Michigan	2.3
35	Nebraska	2.2
36	Minnesota	2.0
36	Montana	2.0
36	Oregon	2.0
39	Hawaii	1.4
39	Maine	1.4
41	North Dakota	1.3
41	Utah	1.3
43	Massachusetts	1.2
43	Rhode Island	1.2
45	Idaho	1.1
46	Iowa	1.0
46	South Dakota	1.0
46	Vermont	1.0
49	New Hampshire	0.3
NA	Illinois	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 10 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Aggravated Assault Arrests
367,846 Arrests Reported Nationally

Rank	*State*	*Arrests*	*% of USA*
1	California	95,937	26.1%
2	Florida	36,474	9.9%
3	Texas	23,622	6.4%
4	Pennsylvania	15,136	4.1%
5	North Carolina	13,104	3.6%
6	New York	10,504	2.9%
7	Massachusetts	10,475	2.8%
8	Michigan	9,905	2.7%
9	Tennessee	9,785	2.7%
10	Georgia	9,126	2.5%
11	Missouri	8,856	2.4%
12	New Jersey	8,745	2.4%
13	Louisiana	8,484	2.3%
14	Maryland	7,519	2.0%
15	South Carolina	7,204	2.0%
16	Arizona	6,722	1.8%
17	Indiana	5,494	1.5%
18	Wisconsin	5,157	1.4%
19	Nevada	5,110	1.4%
20	Connecticut	5,023	1.4%
21	Washington	4,868	1.3%
22	Colorado	4,795	1.3%
23	Oklahoma	4,643	1.3%
24	Illinois	4,592	1.2%
25	Virginia	4,205	1.1%
26	Minnesota	3,991	1.1%
27	Alabama	3,485	0.9%
28	Iowa	3,403	0.9%
29	Ohio	3,400	0.9%
30	New Mexico	3,168	0.9%
31	Arkansas	3,003	0.8%
32	Oregon	2,885	0.8%
33	Kentucky	2,143	0.8%
34	Delaware	1,977	0.5%
35	Kansas	1,848	0.5%
36	Alaska	1,763	0.5%
37	Utah	1,484	0.4%
38	Nebraska	1,373	0.4%
39	Idaho	1,313	0.4%
40	Mississippi	1,160	0.3%
41	West Virginia	1,153	0.3%
42	Hawaii	852	0.2%
43	Montana	796	0.2%
44	Rhode Island	563	0.2%
45	Wyoming	488	0.1%
46	New Hampshire	470	0.1%
47	Vermont	447	0.1%
48	Maine	416	0.1%
49	North Dakota	378	0.1%
50	South Dakota	358	0.1%
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 15 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Aggravated Assault Arrest Rates
142.4 Arrest Rate Reported per 100,000 Population

Rank	*State*	*Rate*
1	Louisiana	352.0
2	California	260.9
3	Alaska	258.3
4	Delaware	223.6
5	New Mexico	206.8
6	Nevada	200.6
7	Tennessee	200.1
8	Florida	197.0
9	North Carolina	189.0
10	Massachusetts	170.9
11	South Carolina	163.8
12	Missouri	159.8
13	Connecticut	142.8
14	Georgia	134.9
15	Maryland	132.5
16	Oklahoma	131.6
17	Pennsylvania	128.1
18	West Virginia	124.6
19	Iowa	123.4
20	Arkansas	121.6
21	Indiana	117.4
22	Colorado	106.0
23	Michigan	103.5
24	Arizona	103.3
25	New Jersey	102.6
26	Kansas	101.9
27	Washington	99.7
28	New York	98.0
29	Texas	97.3
30	Wisconsin	95.7
31	Alabama	94.6
32	Kentucky	93.4
33	Wyoming	90.5
34	Montana	87.9
35	Idaho	86.4
36	Nebraska	86.3
37	Oregon	79.9
38	Minnesota	78.3
39	Hawaii	74.1
40	Vermont	73.8
41	Mississippi	71.1
42	North Dakota	61.8
43	Virginia	56.2
44	Rhode Island	55.3
45	Utah	54.0
46	South Dakota	53.1
47	Ohio	41.8
48	New Hampshire	40.5
49	Maine	31.6
NA	Illinois	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 16 (Kathleen O. Morgan et al. eds., 2011).

2009 Weapons Violations Arrests Reported
137,849 Arrests Nationally

Rank	*State*	*Arrests*	*% of USA*
1	California	29,835	21.6%
2	Texas	11,365	8.2%
3	Florida	6,908	5.0%
4	North Carolina	6,454	4.7%
5	New Jersey	4,848	3.5%
6	Georgia	4,475	3.2%
7	Michigan	4,270	3.1%
8	Illinois	4,172	3.0%
9	Pennsylvania	4,056	2.9%
10	New York	4,036	2.9%
11	Wisconsin	3,964	2.9%
12	Missouri	3,817	2.8%
13	Virginia	3,712	2.7%
14	Maryland	3,590	2.6%
15	Ohio	3,518	2.6%
16	Tennessee	3,244	2.4%
17	Arizona	3,193	2.3%
18	South Carolina	2,436	1.8%
19	Washington	2,378	1.7%
20	Oklahoma	1,966	1.4%
21	Nevada	1,950	1.4%
22	Indiana	1,913	1.4%
23	Minnesota	1,858	1.3%
24	Colorado	1,836	1.3%
25	Louisiana	1,607	1.2%
26	Massachusetts	1,514	1.1%
27	Connecticut	1,487	1.1%
28	Oregon	1,456	1.1%
29	Alabama	1,379	1.0%
30	Utah	1,308	0.9%
31	Arkansas	1,158	0.8%
32	Mississippi	1,085	0.8%
33	Kentucky	1,056	0.8%
34	Nebraska	903	0.7%
35	Kansas	663	0.5%
36	New Mexico	601	0.4%
37	Idaho	549	0.4%
38	Iowa	486	0.4%
39	Rhode Island	457	0.3%
40	Maine	411	0.3%
41	Delaware	410	0.3%
42	Alaska	365	0.3%
43	West Virginia	305	0.2%
44	Hawaii	237	0.2%
45	South Dakota	140	0.1%
46	North Dakota	132	0.1%
47	Wyoming	113	0.1%
48	New Hampshire	108	0.1%
49	Montana	62	0.0%
50	Vermont	24	0.0%
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 31 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Arrest Rate for Weapons Violations
53.4 Arrest Rate Reported per 100,000 Population

Rank	*State*	*Rate*
1	North Carolina	93.1
2	California	81.1
3	Nevada	76.6
4	Wisconsin	73.6
5	Missouri	68.9
6	Louisiana	66.7
7	Mississippi	66.5
8	Tennessee	66.3
9	Georgia	66.1
10	Maryland	63.3
11	New Jersey	56.9
12	Nebraska	56.7
13	Oklahoma	55.7
14	South Carolina	55.4
15	Alaska	53.5
16	Virginia	49.6
17	Arizona	49.1
18	Washington	48.7
19	Utah	47.6
20	Arkansas	46.9
21	Texas	46.8
22	Delaware	46.4
23	Kentucky	46.0
24	Rhode Island	44.9
25	Michigan	44.6
26	Ohio	43.2
27	Connecticut	42.3
28	Indiana	40.9
29	Colorado	40.6
30	Oregon	40.3
31	New Mexico	39.2
32	New York	37.7
33	Alabama	37.5
34	Florida	37.3
35	Kansas	36.6
36	Minnesota	36.5
37	Idaho	36.1
38	Pennsylvania	34.3
39	West Virginia	33.0
40	Maine	31.2
41	Massachusetts	24.7
42	North Dakota	21.6
43	Wyoming	20.9
44	South Dakota	20.7
45	Hawaii	20.6
46	Iowa	17.6
47	New Hampshire	9.3
48	Montana	6.8
49	Vermont	4.0
NA	Illinois	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 32 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Arrests for Violent Crime of Juveniles
75,218 Reported Arrests Nationally

Rank	*State*	*Arrests*	*% of USA*
1	California	15,146	20.1%
2	Florida	7,211	9.6%
3	Texas	4,857	6.5%
4	Pennsylvania	4,475	5.9%
5	Maryland	3,216	4.3%
6	Illinois	3,016	4.0%
7	New Jersey	2,813	3.7%
8	New York	2,619	3.5%
9	Georgia	2,167	2.9%
10	Michigan	2,106	2.8%
11	North Carolina	1,913	2.5%
12	Massachusetts	1,771	2.4%
13	Missouri	1,689	2.2%
14	Louisiana	1,654	2.2%
15	Tennessee	1,598	2.1%
16	Wisconsin	1,374	1.8%
17	Arizona	1,344	1.8%
18	Ohio	1,263	1.7%
19	Washington	1,210	1.6%
20	Indiana	1,185	1.6%
21	Connecticut	1,170	1.6%
22	South Carolina	1,098	1.5%
23	Minnesota	1,000	1.3%
24	Nevada	997	1.3%
25	Colorado	814	1.1%
26	Virginia	783	1.0%
27	Iowa	681	0.9%
28	Oklahoma	652	0.9%
29	Alabama	620	0.8%
30	Oregon	548	0.7%
31	Delaware	499	0.7%
32	Kentucky	420	0.6%
33	New Mexico	416	0.6%
34	Utah	358	0.5%
35	Arkansas	352	0.5%
36	Kansas	284	0.4%
37	Nebraska	270	0.4%
38	Mississippi	251	0.3%
39	Hawaii	239	0.3%
40	Idaho	205	0.3%
41	Alaska	201	0.3%
42	Rhode Island	195	0.3%
43	Montana	117	0.3%
44	New Hampshire	90	0.1%
45	Maine	73	0.1%
46	North Dakota	57	0.1%
47	West Virginia	56	0.1%
48	South Dakota	55	0.1%
49	Wyoming	47	0.1%
50	Vermont	43	0.1%
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 196 (Kathleen O. Morgan et al. eds., 2011).

2009 Juvenile Reported Arrest Rate for Violent Crime
274.7 Juvenile Arrest Rate per 100,000 Population

Rank	*State*	*Rate*
1	Louisiana	623.9
2	Delaware	553.2
3	Maryland	539.8
4	Florida	405.7
5	Pennsylvania	371.4
6	California	371.1
7	Nevada	362.5
8	Tennessee	314.3
9	New Jersey	311.4
10	Connecticut	310.8
11	Massachusetts	291.8
12	Georgia	285.9
13	Missouri	284.8
14	North Carolina	265.3
15	Alaska	258.3
16	New Mexico	253.8
17	Wisconsin	245.1
18	South Carolina	242.4
19	New York	239.5
20	Washington	238.4
21	Iowa	235.3
22	Indiana	230.2
23	Hawaii	221.1
24	Michigan	200.1
25	Rhode Island	191.5
26	Arizona	189.5
27	Minnesota	186.9
28	Colorado	176.4
29	Kentucky	175.9
30	Texas	173.9
31	Oklahoma	172.8
32	Nebraska	158.6
33	Alabama	157.4
34	Oregon	150.2
35	Ohio	145.1
36	Kansas	145.0
37	Mississippi	136.2
38	Arkansas	133.2
39	Montana	127.9
40	Idaho	117.3
41	Utah	105.1
42	Virginia	102.6
43	North Dakota	95.1
44	Wyoming	84.6
45	South Dakota	76.9
46	New Hampshire	74.6
47	Vermont	73.2
48	West Virginia	63.0
49	Maine	57.1
NA	Illinois	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 197 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Juvenile Murder Arrests
1,011 Arrests Reported Nationally

Rank	*State*	*Arrests*	*% of USA*
1	California	183	18.1%
2	Texas	84	8.3%
3	Florida	69	6.8%
4	Illinois	58	5.7%
5	Georgia	54	5.3%
6	Missouri	49	4.8%
7	North Carolina	45	4.5%
8	Tennessee	44	4.4%
9	Maryland	38	3.8%
10	Pennsylvania	36	3.6%
11	New York	32	3.2%
12	Alabama	28	2.8%
12	New Jersey	28	2.8%
14	Michigan	23	2.3%
15	Oklahoma	21	2.1%
16	South Carolina	19	1.9%
17	Colorado	17	1.7%
17	Louisiana	17	1.7%
17	Ohio	17	1.7%
20	Washington	16	1.6%
21	Indiana	14	1.4%
22	Arizona	13	1.3%
22	Nevada	13	1.3%
24	Virginia	12	1.2%
25	Kentucky	10	1.0%
25	Wisconsin	10	1.0%
27	Connecticut	7	0.7%
27	Kansas	7	0.7%
29	Arkansas	5	0.5%
29	Oregon	5	0.5%
31	Delaware	4	0.4%
31	Massachusetts	4	0.4%
31	Mississippi	4	0.4%
31	Nebraska	4	0.4%
31	New Mexico	4	0.4%
31	Utah	4	0.4%
37	Minnesota	3	0.3%
38	Idaho	2	0.2%
38	Montana	2	0.2%
38	West Virginia	2	0.2%
38	Wyoming	2	0.2%
42	Iowa	1	0.1%
42	Maine	1	0.1%
44	Alaska	0	0.0%
44	Hawaii	0	0.0%
44	New Hampshire	0	0.0%
44	North Dakota	0	0.0%
44	Rhode Island	0	0.0%
44	South Dakota	0	0.0%
44	Vermont	0	0.0%
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 199 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Juvenile Arrest Rate for Murder
3.7 Arrests Reported per 100,000 Population

Rank	*State*	*Rate*
1	Tennessee	8.7
2	Missouri	8.3
3	Alabama	7.1
3	Georgia	7.1
5	Louisiana	6.4
5	Maryland	6.4
7	North Carolina	6.2
8	Oklahoma	5.6
9	Nevada	4.7
10	California	4.5
11	Delaware	4.4
12	Kentucky	4.2
12	South Carolina	4.2
14	Florida	3.9
15	Colorado	3.7
16	Kansas	3.6
16	Wyoming	3.6
18	Washington	3.2
19	New Jersey	3.1
20	Pennsylvania	3.0
20	Texas	3.0
22	New York	2.9
23	Indiana	2.7
24	New Mexico	2.4
25	Nebraska	2.3
25	West Virginia	2.3
27	Michigan	2.2
27	Mississippi	2.2
27	Montana	2.2
30	Ohio	2.0
31	Arkansas	1.9
31	Connecticut	1.9
33	Arizona	1.8
33	Wisconsin	1.8
35	Virginia	1.6
36	Oregon	1.4
37	Utah	1.2
38	Idaho	1.1
39	Maine	0.8
40	Massachusetts	0.7
41	Minnesota	0.6
42	Iowa	0.3
43	Alaska	0.0
43	Hawaii	0.0
43	New Hampshire	0.0
43	North Dakota	0.0
43	Rhode Island	0.0
43	South Dakota	0.0
43	Vermont	0.0
NA	Illinois	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 200 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Arrest of Juveniles for Robbery
27,898 Reported Arrests Nationally

Rank	*State*	*Arrests*	*% of USA*
1	California	6,231	22.3%
2	Florida	2,618	9.4%
3	Maryland	1,756	6.3%
4	Pennsylvania	1,685	6.0%
5	Texas	1,599	5.7%
6	New Jersey	1,439	5.2%
7	Illinois	1,322	4.7%
8	New York	1,168	4.2%
9	Ohio	747	2.7%
10	North Carolina	730	2.6%
11	Michigan	664	2.4%
12	Georgia	658	2.4%
13	Tennessee	507	1.8%
14	Missouri	500	1.8%
15	Wisconsin	494	1.8%
16	Massachusetts	484	1.7%
17	Washington	452	1.6%
18	Nevada	437	1.6%
19	Arizona	370	1.3%
20	Minnesota	359	1.3%
21	Indiana	337	1.2%
22	Alabama	336	1.2%
23	Connecticut	327	1.2%
24	Virginia	300	1.1%
25	South Carolina	293	1.1%
26	Louisiana	230	0.8%
27	Colorado	206	0.7%
28	Kentucky	190	0.7%
29	Delaware	175	0.6%
30	Oklahoma	172	0.6%
31	Oregon	168	0.6%
32	Mississippi	139	0.5%
33	Hawaii	112	0.4%
34	Iowa	103	0.4%
34	Nebraska	103	0.4%
36	Rhode Island	99	0.4%
37	Utah	74	0.3%
38	Arkansas	63	0.3%
39	Kansas	48	0.2%
40	Alaska	37	0.1%
41	New Mexico	30	0.1%
42	Maine	18	0.1%
42	New Hampshire	18	0.1%
42	West Virginia	18	0.1%
45	Idaho	11	0.0%
46	Montana	10	0.0%
47	North Dakota	5	0.0%
47	Vermont	5	0.0%
49	South Dakota	4	0.0%
50	Wyoming	0	0.0%
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 205 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Juvenile Arrest Rate for Robbery
101.9 Juvenile Arrest Rate per 100,000 Population

Rank	*State*	*Rate*
1	Maryland	294.7
2	Delaware	194.0
3	New Jersey	159.3
4	Nevada	158.9
5	California	152.7
6	Florida	147.3
7	Pennsylvania	139.8
8	New York	106.8
9	Hawaii	103.6
10	North Carolina	101.2
11	Tennessee	99.7
12	Rhode Island	97.2
13	Washington	89.1
14	Wisconsin	88.1
15	Connecticut	86.9
16	Georgia	86.8
16	Louisiana	86.8
18	Ohio	85.8
19	Alabama	85.3
20	Missouri	84.3
21	Massachusetts	79.7
22	Kentucky	79.6
23	Mississippi	75.4
24	Minnesota	67.1
25	Indiana	65.5
26	South Carolina	64.7
27	Michigan	63.1
28	Nebraska	60.5
29	Texas	57.3
30	Arizona	52.2
31	Alaska	47.6
32	Oregon	46.0
33	Oklahoma	45.6
34	Colorado	44.6
35	Virginia	39.3
36	Iowa	35.6
37	Kansas	24.5
38	Arkansas	23.8
39	Utah	21.7
40	West Virginia	20.3
41	New Mexico	18.3
42	New Hampshire	14.9
43	Maine	14.1
44	Montana	10.9
45	Vermont	8.5
46	North Dakota	8.3
47	Idaho	6.3
48	South Dakota	5.6
49	Wyoming	0.0
NA	Illinois	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 206 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Arrests of Juveniles for Aggravated Assault
43,801 Reported Arrests Nationally

Rank	*State*	*Arrests*	*% of USA*
1	California	8,497	19.4%
2	Florida	4,334	9.9%
3	Texas	2,928	6.7%
4	Pennsylvania	2,553	5.8%
5	Illinois	1,549	3.5%
6	Georgia	1,405	3.2%
7	Louisiana	1,368	3.1%
8	Maryland	1,367	3.1%
9	New York	1,356	3.1%
10	Michigan	1,304	3.0%
11	New Jersey	1,276	2.9%
12	Massachusetts	1,254	2.9%
13	North Carolina	1,099	2.5%
14	Missouri	1,079	2.5%
15	Tennessee	986	2.3%
16	Arizona	932	2.1%
17	Indiana	815	1.9%
18	Connecticut	807	1.8%
19	South Carolina	732	1.7%
20	Wisconsin	728	1.7%
21	Washington	651	1.5%
22	Minnesota	627	1.4%
23	Iowa	550	1.3%
24	Nevada	531	1.2%
25	Colorado	524	1.2%
26	Virginia	431	1.0%
27	Oklahoma	426	1.0%
28	Ohio	404	0.9%
29	New Mexico	364	0.8%
30	Oregon	354	0.8%
31	Delaware	297	0.7%
32	Arkansas	252	0.6%
33	Alabama	236	0.5%
34	Utah	220	0.5%
35	Kansas	206	0.5%
36	Kentucky	204	0.5%
37	Idaho	167	0.4%
38	Alaska	157	0.4%
39	Nebraska	143	0.3%
40	Hawaii	110	0.3%
41	Montana	100	0.2%
42	Mississippi	96	0.2%
43	Rhode Island	80	0.2%
44	New Hampshire	70	0.2%
45	South Dakota	43	0.1%
46	North Dakota	36	0.1%
46	Wyoming	36	0.1%
48	Maine	35	0.1%
49	West Virginia	32	0.1%
50	Vermont	30	0.1%
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 208 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Juvenile Arrests Rate for Aggravated Assault
159.9 Juvenile Arrest Rate Nationally per 100,000 Population

Rank	*State*	*Rate*
1	Louisiana	516.0
2	Delaware	329.3
3	Florida	243.8
4	Maryland	229.4
5	New Mexico	222.1
6	Connecticut	214.1
7	Pennsylvania	211.9
8	California	208.2
9	Massachusetts	206.6
10	Alaska	201.8
11	Tennessee	193.9
12	Nevada	193.0
13	Iowa	190.0
14	Georgia	185.4
15	Missouri	181.9
16	South Carolina	161.6
17	Indiana	158.3
18	North Carolina	152.4
19	New Jersey	141.2
20	Arizona	131.4
21	Wisconsin	129.9
22	Washington	128.3
23	New York	124.0
24	Michigan	123.9
25	Minnesota	117.2
26	Colorado	113.5
27	Oklahoma	112.9
28	Montana	109.3
29	Kansas	105.2
30	Texas	104.9
31	Hawaii	101.8
32	Oregon	97.0
33	Idaho	95.6
34	Arkansas	95.3
35	Kentucky	85.4
36	Nebraska	84.0
37	Rhode Island	78.6
38	Wyoming	64.8
39	Utah	64.6
40	North Dakota	60.1
40	South Dakota	60.1
42	Alabama	59.9
43	New Hampshire	58.0
44	Virginia	56.5
45	Mississippi	52.1
46	Vermont	51.1
47	Ohio	46.4
48	West Virginia	36.0
49	Maine	27.4
NA	Illinois	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 209 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Arrests of Juveniles for Vandalism
73,794 Reported Arrests Nationally

Rank	*State*	*Arrests*	*% of USA*
1	California	13,916	18.9%
2	Texas	5,433	7.4%
3	Pennsylvania	3,840	5.2%
4	New York	3,718	5.0%
5	Arizona	3,428	4.6%
6	Wisconsin	3,370	4.6%
7	New Jersey	2,508	3.4%
8	Florida	2,292	3.1%
9	Ohio	1,881	2.5%
10	Missouri	1,784	2.4%
11	Utah	1,754	2.4%
12	North Carolina	1,685	2.3%
13	Washington	1,683	2.3%
14	Minnesota	1,680	2.3%
15	Maryland	1,628	2.2%
16	Colorado	1,574	2.1%
17	Nevada	1,539	2.1%
18	Illinois	1,515	2.1%
19	Oregon	1,495	2.0%
20	Iowa	1,408	1.9%
21	Tennessee	1,396	1.9%
22	Virginia	1,192	1.6%
23	Nebraska	1,158	1.6%
24	Michigan	1,091	1.5%
25	Indiana	992	1.3%
26	Georgia	867	1.2%
27	Massachusetts	811	1.1%
28	Connecticut	802	1.1%
29	South Carolina	769	1.0%
30	Louisiana	549	0.7%
31	Idaho	537	0.7%
32	Maine	471	0.6%
33	Oklahoma	451	0.6%
34	Kansas	390	0.5%
35	Montana	384	0.5%
36	New Hampshire	371	0.5%
37	Rhode Island	351	0.5%
38	Hawaii	341	0.5%
39	Delaware	333	0.5%
40	Arkansas	319	0.4%
40	New Mexico	319	0.4%
42	North Dakota	285	0.4%
43	Wyoming	237	0.3%
44	Alabama	232	0.3%
44	Mississippi	232	0.3%
46	South Dakota	220	0.3%
47	Kentucky	187	0.3%
48	Alaska	139	0.2%
49	Vermont	114	0.2%
50	West Virginia	88	0.1%
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 226 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Juvenile Arrest Rate for Vandalism
269.5 Reported Juvenile Arrests per 100,000 Population

Rank	*State*	*Rate*
1	Nebraska	680.1
2	Wisconsin	601.3
3	Nevada	559.5
4	Utah	514.9
5	Iowa	486.4
6	Arizona	483.4
7	North Dakota	475.4
8	Wyoming	426.5
9	Montana	419.7
10	Oregon	409.8
11	Delaware	369.2
12	Maine	368.7
13	Rhode Island	344.7
14	Colorado	341.1
15	California	340.9
16	New York	340.0
17	Washington	331.6
18	Pennsylvania	318.7
19	Hawaii	315.4
20	Minnesota	314.1
21	South Dakota	307.6
22	New Hampshire	307.4
23	Idaho	307.3
24	Missouri	300.8
25	New Jersey	277.6
26	Tennessee	274.5
27	Maryland	273.2
28	North Carolina	233.7
29	Ohio	216.0
30	Connecticut	213.0
31	Louisiana	207.1
32	Kansas	199.1
33	New Mexico	194.7
34	Texas	194.6
35	Vermont	194.1
36	Indiana	192.7
37	Alaska	178.7
38	South Carolina	169.8
39	Virginia	156.2
40	Massachusetts	133.6
41	Florida	129.0
42	Mississippi	125.9
43	Arkansas	120.7
44	Oklahoma	119.5
45	Georgia	114.4
46	Michigan	103.6
47	West Virginia	99.1
48	Kentucky	78.3
49	Alabama	58.9
NA	Illinois	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 227 (Kathleen O. Morgan et al. eds., 2011).

2009 Reported Arrests of Juveniles for Drunkenness
134,301 Reported Arrests Nationally

Rank	*State*	*Arrests*	*% of USA*
1	Texas	20,955	15.6%
2	Wisconsin	16,112	12.0%
3	Pennsylvania	15,481	11.5%
4	California	9,161	6.1%
5	Georgia	4,866	3.6%
6	New Jersey	3,653	2.1%
7	Minnesota	3,581	2.7%
8	North Carolina	3,354	2.5%
9	Tennessee	3,289	2.4%
10	Illinois	3,188	2.4%
11	Ohio	3,171	2.4%
12	Arizona	3,094	2.3%
13	Connecticut	3,087	2.3%
14	South Carolina	3,072	2.3%
15	Colorado	3,064	2.3%
16	Missouri	2,370	1.8%
17	Indiana	2,349	1.7%
18	Louisiana	2,264	1.7%
19	New York	2,163	1.6%
20	Maryland	2,089	1.6%
21	Iowa	2,039	1.5%
22	Mississippi	1,970	1.5%
23	Utah	1,857	1.4%
24	Oregon	1,506	1.1%
25	Oklahoma	1,314	1.0%
26	Massachusetts	1,290	1.0%
27	Michigan	1,267	0.9%
28	Virginia	1,249	0.9%
29	Nevada	1,228	0.9%
30	Alabama	1,149	0.9%
31	Arkansas	1,031	0.8%
32	Rhode Island	902	0.7%
33	Nebraska	790	0.6%
34	North Dakota	752	0.6%
35	Kansas	681	0.5%
36	Washington	612	0.5%
37	Montana	588	0.4%
38	Kentucky	571	0.4%
39	New Mexico	561	0.4%
40	Idaho	549	0.4%
41	Delaware	541	0.4%
42	South Dakota	298	0.2%
43	New Hampshire	289	0.2%
44	Maine	208	0.2%
45	Wyoming	188	0.1%
46	Hawaii	160	0.1%
47	Vermont	125	0.1%
48	West Virginia	69	0.1%
49	Alaska	57	0.0%
NA	Florida	NA	NA
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 229 (Kathleen O. Morgan et al. eds., 2011).

2009 Juvenile Reported Arrests for Weapons Violations
28,293 Reported Arrests Nationally

Rank	*State*	*Arrests*	*% of USA*
1	California	7,094	25.1%
2	Florida	1,462	5.2%
3	Texas	1,413	5.0%
4	New Jersey	1,325	4.7%
5	North Carolina	1,256	4.4%
6	Pennsylvania	1,233	4.4%
7	Wisconsin	1,095	3.9%
8	Maryland	1,072	3.8%
9	Georgia	1,060	3.7%
10	Illinois	948	3.4%
11	Michigan	713	2.5%
12	Tennessee	663	2.3%
13	New York	656	2.3%
14	Minnesota	611	2.2%
14	Missouri	611	2.2%
16	Ohio	542	1.9%
17	South Carolina	538	1.9%
18	Washington	503	1.8%
19	Colorado	473	1.7%
20	Arizona	393	1.4%
21	Virginia	392	1.4%
22	Utah	383	1.4%
23	Nevada	371	1.3%
24	Indiana	300	1.1%
25	Connecticut	289	1.0%
26	Oklahoma	278	1.0%
27	Louisiana	252	0.9%
28	Massachusetts	240	0.8%
28	Mississippi	240	0.8%
30	Oregon	217	0.8%
31	New Mexico	201	0.7%
32	Rhode Island	170	0.6%
33	Arkansas	143	0.5%
34	Delaware	137	0.5%
34	Idaho	137	0.5%
36	Nebraska	132	0.5%
37	Alabama	123	0.4%
38	Iowa	111	0.4%
39	Kansas	99	0.3%
40	Kentucky	96	0.3%
41	South Dakota	65	0.2%
42	Maine	47	0.2%
43	Alaska	39	0.1%
44	Wyoming	35	0.1%
45	Hawaii	31	0.1%
46	North Dakota	28	0.1%
47	West Virginia	20	0.1%
48	New Hampshire	15	0.1%
48	Vermont	15	0.1%
50	Montana	13	0.0%
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 232 (Kathleen O. Morgan et al. eds., 2011).

2009 Juvenile Reported Arrest Rate for Weapons
103.3 Reported Arrest Rate Nationally per 100,000 Population

Rank	*State*	*Rate*
1	Wisconsin	195.4
2	Maryland	179.9
3	North Carolina	174.2
4	California	173.8
5	Rhode Island	166.9
6	Delaware	151.9
7	New Jersey	146.7
8	Georgia	139.9
9	Nevada	134.9
10	Tennessee	130.4
11	Mississippi	130.2
12	New Mexico	122.7
13	South Carolina	118.8
14	Minnesota	114.2
15	Utah	112.4
16	Missouri	103.0
17	Colorado	102.5
18	Pennsylvania	102.3
19	Washington	99.1
20	Louisiana	95.0
21	South Dakota	90.9
22	Florida	82.3
23	Idaho	78.4
24	Nebraska	77.5
25	Connecticut	76.8
26	Oklahoma	73.7
27	Michigan	67.7
28	Wyoming	63.0
29	Ohio	62.3
30	New York	60.0
31	Oregon	59.5
32	Indiana	58.3
33	Arizona	55.4
34	Arkansas	54.1
35	Virginia	51.4
36	Texas	50.6
37	Kansas	50.5
38	Alaska	50.1
39	North Dakota	46.7
40	Kentucky	40.2
41	Massachusetts	39.5
42	Iowa	38.8
43	Maine	36.8
44	Alabama	31.2
45	Hawaii	28.7
46	Vermont	25.5
47	West Virginia	22.5
48	Montana	14.2
49	New Hampshire	12.4
NA	Illinois	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 233 (Kathleen O. Morgan et al. eds., 2011).

2006 Juveniles in Residential Custody
92,854 Juveniles Nationally

Rank	*State*	*Juveniles*	*% of USA*
1	California	15,240	16.4%
2	Texas	8,247	8.9%
3	Florida	7,302	7.9%
4	Pennsylvania	4,323	4.7%
5	New York	4,197	4.5%
6	Ohio	4,149	4.5%
7	Michigan	2,760	3.0%
8	Georgia	2,631	2.8%
8	Illinois	2,631	2.8%
10	Indiana	2,616	2.8%
11	Virginia	2,310	2.5%
12	Colorado	2,034	2.2%
13	Alabama	1,752	1.9%
14	Arizona	1,737	1.9%
15	New Jersey	1,704	1.8%
16	Minnesota	1,623	1.7%
17	Washington	1,455	1.6%
18	Tennessee	1,419	1.5%
19	Wisconsin	1,347	1.5%
20	South Carolina	1,320	1.4%
21	Missouri	1,293	1.4%
22	Oregon	1,254	1.4%
23	Kentucky	1,242	1.3%
24	Louisiana	1,200	1.3%
25	Massachusetts	1,164	1.3%
26	Maryland	1,104	1.2%
27	Iowa	1,062	1.1%
28	Kansas	1,053	1.1%
29	North Carolina	1,029	1.1%
30	Oklahoma	924	1.0%
31	Nevada	885	1.0%
32	Utah	864	0.9%
33	Arkansas	813	0.9%
34	Nebraska	735	0.8%
35	South Dakota	597	0.6%
36	West Virginia	579	0.6%
37	Idaho	522	0.6%
38	Connecticut	498	0.5%
39	New Mexico	471	0.5%
40	Mississippi	444	0.5%
41	Alaska	363	0.4%
42	Rhode Island	348	0.4%
43	Wyoming	315	0.3%
44	Delaware	303	0.3%
45	Montana	243	0.3%
46	North Dakota	240	0.3%
47	Maine	210	0.2%
48	New Hampshire	189	0.2%
49	Hawaii	123	0.1%
50	Vermont	54	0.1%
	District of Columbia	339	0.4%

Source: Office of Juvenile Justice & Delinquency Prevention, U.S. Dep't of Justice, Census of Juveniles in Residential Placement Databook, *in* Crime State Rankings 2011: Crime Across America 251 (Kathleen O. Morgan et al. eds., 2011).

2006 Rate of Juveniles in Residential Custody
295 Juveniles Nationally per 100,000 Population

Rank	*State*	*Rate*
1	South Dakota	672
2	Wyoming	559
3	Alaska	430
4	Colorado	397
4	Florida	397
6	Nebraska	368
7	Indiana	364
8	North Dakota	355
9	California	351
10	Alabama	342
11	Kansas	335
11	Texas	335
13	Delaware	327
14	Iowa	323
15	Ohio	322
16	Pennsylvania	321
17	West Virginia	320
18	Oregon	319
19	Nevada	317
19	South Carolina	317
21	Rhode Island	308
22	Idaho	297
23	Virginia	283
24	Minnesota	280
25	Louisiana	279
26	Georgia	276
27	Kentucky	273
28	New York	270
29	Michigan	268
30	Utah	267
31	Arkansas	261
32	Wisconsin	251
33	Arizona	246
34	Montana	235
35	Oklahoma	232
36	Missouri	227
37	Tennessee	216
38	Illinois	206
38	Washington	206
40	New Mexico	204
41	Massachusetts	198
42	New Jersey	176
43	Maryland	174
44	Connecticut	170
45	Maine	152
46	New Hampshire	148
47	North Carolina	144
48	Mississippi	128
49	Hawaii	92
50	Vermont	81
	District of Columbia	671

Source: Office of Juvenile Justice & Delinquency Prevention, U.S. Dep't of Justice, Census of Juveniles in Residential Placement Databook, *in* Crime State Rankings 2011: Crime Across America 252 (Kathleen O. Morgan et al. eds., 2011).

2006 Percent of Juveniles Who Are in Custody Who Are White
35% Nationally

Rank	*State*	*Percent*
1	Maine	91
2	Vermont	83
3	West Virginia	81
4	Idaho	80
5	New Hampshire	78
6	Iowa	69
7	Oregon	68
8	Montana	67
9	Kentucky	65
10	Wyoming	64
11	Indiana	62
12	Utah	60
13	North Dakota	59
14	Washington	58
15	Nebraska	52
16	Kansas	48
17	Arkansas	47
17	Colorado	47
17	Missouri	47
17	Tennessee	47
21	Ohio	46
22	Wisconsin	45
23	Michigan	44
23	Minnesota	44
23	South Dakota	44
26	Oklahoma	43
27	Alabama	40
27	Nevada	40
29	Florida	39
30	Rhode Island	38
31	Alaska	37
32	Arizona	36
32	Massachusetts	36
34	Pennsylvania	33
35	Illinois	32
35	North Carolina	32
37	South Carolina	30
38	Virginia	29
39	Louisiana	26
40	Georgia	24
40	Mississippi	24
40	New York	24
40	Texas	24
44	Connecticut	23
44	Maryland	23
46	Delaware	20
47	California	16
47	New Jersey	16
49	New Mexico	13
50	Hawaii	5
	District of Columbia	4

Source: Office of Juvenile Justice & Delinquency Prevention, U.S. Dep't of Justice, Census of Juveniles in Residential Placement Databook, *in* Crime State Rankings 2011: Crime Across America 255 (Kathleen O. Morgan et al. eds., 2011).

2006 Rate of Black Juveniles in Residential Custody
767 Black Juveniles per 100,000 Nationally

Rank	*State*	*Rate*
1	Wyoming	4,138
2	South Dakota	3,049
3	Utah	1,981
4	Iowa	1,525
5	Rhode Island	1,501
6	Nebraska	1,471
7	Minnesota	1,364
8	California	1,268
9	Colorado	1,234
10	New Hampshire	1,233
11	Kansas	1,230
12	Pennsylvania	1,229
13	Wisconsin	1,206
14	West Virginia	1,205
15	Oregon	1,104
16	Montana	1,038
17	Ohio	989
18	Florida	972
19	Indiana	945
20	Alaska	902
20	Nevada	902
22	Delaware	893
23	Kentucky	865
24	Texas	843
25	Oklahoma	756
26	New York	754
27	Virginia	741
28	Massachusetts	706
29	New Jersey	705
30	Missouri	701
31	Washington	698
32	Arizona	658
33	Michigan	654
34	Connecticut	618
35	Alabama	610
36	South Carolina	605
37	Arkansas	595
38	New Mexico	550
39	Georgia	544
40	Louisiana	521
41	Illinois	500
42	Tennessee	483
43	Maine	447
44	Idaho	382
45	Vermont	381
46	Maryland	364
47	North Dakota	318
48	North Carolina	315
49	Mississippi	213
50	Hawaii	65
	District of Columbia	789

Source: Office of Juvenile Justice & Delinquency Prevention, U.S. Dep't of Justice, Census of Juveniles in Residential Placement Databook, *in* Crime State Rankings 2011: Crime Across America 256 (Kathleen O. Morgan et al. eds., 2011).

2006 Percent of Black Juveniles in Residential Custody
40% Nationally

Rank	*State*	*Percent*
1	Mississippi	76
2	Louisiana	73
3	Delaware	72
4	Georgia	71
4	Maryland	71
6	South Carolina	69
7	New Jersey	66
8	Virginia	63
9	North Carolina	59
10	Alabama	58
11	Pennsylvania	54
12	Florida	52
12	New York	52
14	Ohio	49
14	Tennessee	49
16	Missouri	48
17	Arkansas	47
17	Illinois	47
17	Michigan	47
20	Wisconsin	45
21	Connecticut	44
22	Rhode Island	35
23	Oklahoma	34
24	Minnesota	33
24	Texas	33
26	Indiana	31
26	Kentucky	31
28	Kansas	29
28	Massachusetts	29
30	California	28
30	Nevada	28
32	Nebraska	25
33	Iowa	19
34	Washington	18
35	Colorado	16
35	West Virginia	16
37	Arizona	12
38	Alaska	11
38	New Hampshire	11
40	Oregon	10
40	Utah	10
40	Wyoming	10
43	South Dakota	8
44	New Mexico	6
44	Vermont	6
46	Maine	4
46	Montana	4
48	Hawaii	2
49	Idaho	1
49	North Dakota	1
	District of Columbia	91

Source: Office of Juvenile Justice & Delinquency Prevention, U.S. Dep't of Justice, Census of Juveniles in Residential Placement Databook, *in* Crime State Rankings 2011: Crime Across America 257 (Kathleen O. Morgan et al. eds., 2011).

2006 Rate of Hispanic Juveniles in Residential Custody
326 Juveniles per 100,000 Population Nationally

Rank	*State*	*Rate*
1	South Dakota	1,139
2	Wyoming	945
3	Vermont	613
4	Nebraska	565
5	Pennsylvania	560
6	Kansas	553
7	Colorado	544
8	Utah	513
9	Massachusetts	474
10	New Hampshire	399
11	California	396
12	North Dakota	387
13	Iowa	361
14	Indiana	356
15	Connecticut	337
16	Texas	335
17	Montana	333
18	Rhode Island	327
19	Oregon	316
20	Idaho	305
21	New York	290
22	Delaware	285
22	New Mexico	285
24	West Virginia	283
25	Arizona	282
26	Virginia	275
27	Minnesota	274
28	Nevada	261
29	Ohio	252
29	Washington	252
31	Michigan	214
32	Oklahoma	207
33	Kentucky	203
34	Missouri	199
35	Arkansas	196
35	Illinois	196
37	Alabama	195
38	Alaska	178
39	New Jersey	176
40	Georgia	173
41	Tennessee	147
42	Florida	140
43	Wisconsin	135
44	North Carolina	121
45	Maryland	116
46	Hawaii	108
47	South Carolina	100
48	Louisiana	71
49	Maine	0
49	Mississippi	0
	District of Columbia	274

Source: Office of Juvenile Justice & Delinquency Prevention, U.S. Dep't of Justice, Census of Juveniles in Residential Placement Databook, *in* Crime State Rankings 2011: Crime Across America 258 (Kathleen O. Morgan et al. eds., 2011).

2006 Percent of Hispanic Juveniles in Residential Custody
20% Nationally

Rank	*State*	*Rate*
1	New Mexico	72
2	California	51
3	Arizona	44
4	Texas	42
5	Colorado	34
6	Connecticut	29
7	Massachusetts	27
8	Nevada	26
9	Utah	25
10	New York	21
11	Kansas	19
12	Illinois	17
12	New Jersey	17
12	Rhode Island	17
15	Nebraska	15
15	Washington	15
15	Wyoming	15
18	Oregon	14
19	Idaho	13
20	Hawaii	12
21	Vermont	11
22	Pennsylvania	10
23	Florida	8
23	New Hampshire	8
23	Oklahoma	8
26	Delaware	7
26	Virginia	7
28	Indiana	6
28	Iowa	6
28	North Carolina	6
31	Arkansas	5
31	Georgia	5
31	Minnesota	5
31	Montana	5
31	South Dakota	5
36	Maryland	4
36	Michigan	4
38	Missouri	3
38	North Dakota	3
38	Wisconsin	3
41	Alabama	2
41	Alaska	2
41	Kentucky	2
41	Ohio	2
41	Tennessee	2
46	Louisiana	1
46	South Carolina	1
46	West Virginia	1
49	Maine	0
49	Mississippi	0
	District of Columbia	4

Source: Office of Juvenile Justice & Delinquency Prevention, U.S. Dep't of Justice, Census of Juveniles in Residential Placement Databook, *in* Crime State Rankings 2011: Crime Across America 259 (Kathleen O. Morgan et al. eds., 2011).

2008 Percentage of Teachers Who Reported Being Physically Attacked by a Student
4.3% of Teachers Nationally

Rank	*State*	*Rate*
1	Maryland	8.4
2	Alaska	6.7
3	Minnesota	6.6
3	Wisconsin	6.6
5	New York	6.4
6	Virginia	6.0
7	North Carolina	5.9
8	Kentucky	5.8
9	Delaware	5.4
10	Missouri	5.3
11	Maine	5.2
12	Arizona	5.0
12	Kansas	5.0
14	Colorado	4.7
14	Indiana	4.7
16	South Dakota	4.5
17	New Mexico	4.3
18	Nebraska	4.2
18	Texas	4.2
18	Vermont	4.2
21	Hawaii	4.1
21	Massachusetts	4.1
21	Washington	4.1
24	Florida	4.0
24	Georgia	4.0
24	Louisiana	4.0
24	Montana	4.0
28	Arkansas	3.9
28	Illinois	3.9
28	Oregon	3.9
28	Tennessee	3.9
28	West Virginia	3.9
33	Pennsylvania	3.8
33	Utah	3.8
35	California	3.6
36	Michigan	3.5
37	Connecticut	3.3
37	Nevada	3.3
39	Alabama	3.2
40	Iowa	3.1
40	Oklahoma	3.1
42	Wyoming	3.0
43	Idaho	2.9
43	Mississippi	2.9
43	South Carolina	2.9
46	New Hampshire	2.2
46	Ohio	2.2
48	New Jersey	1.8
49	North Dakota	1.7
NA	Rhode Island	NA
	District of Columbia	7.1

Source: U.S. Dep't of Educ. & Bureau of Justice Statistics, U.S. Dep't of Justice, *in* Crime State Rankings 2011: Crime Across America 265 (Kathleen O. Morgan et al. eds., 2011).

2009 Percent of High School Students Who Drink Alcohol

Rank	*State*	*Percent*
1	Louisiana	47.5%
2	New Jersey	45.2%
3	Texas	44.8%
4	Arizona	44.5%
5	Delaware	43.7%
6	Massachusetts	43.6%
7	Connecticut	43.5%
8	North Dakota	43.3%
9	Montana	42.8%
10	Wyoming	41.7%
11	New York	41.4%
12	Wisconsin	41.3%
13	Colorado	40.8%
14	Florida	40.5%
14	New Mexico	40.5%
16	West Virginia	40.4%
17	South Dakota	40.1%
18	Illinois	39.8%
19	Arkansas	39.7%
20	Alabama	39.5%
21	Missouri	39.3%
21	New Hampshire	39.3%
23	Mississippi	39.2%
24	Oklahoma	39.0%
24	Vermont	39.0%
26	Kansas	38.7%
27	Nevada	38.6%
28	Indiana	38.5%
29	Pennsylvania	38.4%
30	Hawaii	37.8%
30	Kentucky	37.8%
32	Maryland	37.0%
32	Michigan	37.0%
34	South Carolina	35.2%
35	North Carolina	35.0%
36	Georgia	34.3%
37	Idaho	34.2%
38	Rhode Island	34.0%
39	Tennessee	33.5%
40	Alaska	33.2%
41	Maine	32.2%
42	Utah	18.2%
43	California	NA
44	Iowa	NA
45	Minnesota	NA
46	Nebraska	NA
47	Ohio	NA
48	Oregon	NA
49	Virginia	NA
50	Washington	NA
	District of Columbia	NA

Source: Ctrs. for Disease Control & Prevention, U.S. Dep't of Health & Human Servs., Youth Risk Behavior Surveillance — U.S., 2009, *in* Crime State Rankings 2011: Crime Across America 267 (Kathleen O. Morgan et al. eds., 2011).

2009 Percent of High School Students Who Use Marijuana

Rank	*State*	*Percent*
1	New Mexico	28.0%
2	Massachusetts	27.1%
3	Rhode Island	26.3%
4	Delaware	25.8%
5	New Hampshire	25.6%
6	Colorado	24.8%
7	Vermont	24.6%
8	Arizona	23.7%
9	Montana	23.1%
10	Alaska	22.7%
11	Hawaii	22.1%
12	Maryland	21.9%
13	Connecticut	21.8%
14	Florida	21.4%
15	Illinois	21.0%
16	Indiana	20.9%
16	New York	20.9%
18	Michigan	20.7%
19	Missouri	20.6%
20	Maine	20.5%
21	South Carolina	20.4%
22	New Jersey	20.3%
22	West Virginia	20.3%
24	Tennessee	20.1%
25	Nevada	20.0%
26	North Carolina	19.8%
27	Texas	19.5%
28	Pennsylvania	19.3%
29	Wisconsin	18.9%
30	Georgia	18.3%
31	Arkansas	17.8%
32	Mississippi	17.7%
33	Oklahoma	17.2%
34	North Dakota	16.9%
34	Wyoming	16.9%
36	Louisiana	16.3%
37	Alabama	16.2%
38	Kentucky	16.1%
39	South Dakota	15.2%
40	Kansas	14.7%
41	Idaho	13.7%
42	Utah	10.0%
43	California	NA
44	Iowa	NA
45	Minnesota	NA
46	Nebraska	NA
47	Ohio	NA
48	Oregon	NA
49	Virginia	NA
50	Washington	NA
	District of Columbia	NA

Source: Ctrs. for Disease Control & Prevention, U.S. Dep't of Health & Human Servs., Youth Risk Behavior Surveillance — U.S., 2009, *in* Crime State Rankings 2011: Crime Across America 268 (Kathleen O. Morgan et al. eds., 2011).

2009 Child Abuse and Neglect per 1000 Population Under 18

Rank	*State*	*Rate*
1	Massachusetts	27.2
2	Alaska	21.6
3	New York	20.4
4	Iowa	18.2
5	Kentucky	17.2
6	Utah	15.8
7	Indiana	15.2
8	Maine	15.0
9	Arkansas	14.9
10	West Virginia	14.2
11	Michigan	13.8
12	Oregon	13.5
12	Rhode Island	13.5
14	Ohio	12.6
15	Maryland	12.4
16	Connecticut	12.1
16	Florida	12.1
16	Nebraska	12.1
19	South Carolina	11.8
20	North Carolina	10.8
21	New Mexico	10.5
22	Mississippi	10.3
23	Delaware	10.0
23	Texas	10.0
25	Colorado	9.7
26	Illinois	9.4
27	Georgia	9.3
28	North Dakota	8.7
29	Louisiana	8.6
30	California	8.5
31	Oklahoma	8.3
32	South Dakota	7.6
33	Montana	7.4
34	Alabama	7.3
35	Hawaii	7.1
36	Nevada	6.9
37	Tennessee	6.2
38	Vermont	6.0
39	Wyoming	5.5
40	New Jersey	4.5
41	Washington	4.2
42	Idaho	3.9
42	Minnesota	3.9
44	Missouri	3.8
44	Wisconsin	3.8
46	New Hampshire	3.4
47	Virginia	3.3
48	Arizona	2.3
49	Kansas	1.9
50	Pennsylvania	1.5
	District of Columbia	29.9

Source: Children's Bureau, U.S. Dep't of Health & Human Servs., Child Maltreatment 2009, *in* Crime State Rankings 2011: Crime Across America 271 (Kathleen O. Morgan et al. eds., 2011).

2009 Physically Abused Children per 1000 Population Under 18

Rank	*State*	*Rate*
1	Ohio	4.3
2	South Carolina	3.9
2	West Virginia	3.9
4	Alabama	3.5
5	Massachusetts	3.3
6	Michigan	3.0
7	Maryland	2.9
7	Vermont	2.9
9	Arkansas	2.7
10	Alaska	2.5
10	Maine	2.5
12	Louisiana	2.3
13	Iowa	2.1
13	Texas	2.1
15	New York	2.0
16	Illinois	1.9
16	Nevada	1.9
16	Utah	1.9
19	Delaware	1.8
19	Mississippi	1.8
19	Rhode Island	1.8
22	Indiana	1.7
23	Kentucky	1.6
24	Oklahoma	1.5
25	Colorado	1.4
25	New Mexico	1.4
27	Nebraska	1.3
28	Florida	1.2
28	Georgia	1.2
28	Missouri	1.2
31	North Carolina	1.1
32	Montana	1.0
32	Washington	1.0
34	California	0.9
34	South Dakota	0.9
34	Tennessee	0.9
34	Virginia	0.9
38	Connecticut	0.8
38	Idaho	0.8
38	Minnesota	0.8
38	New Jersey	0.8
38	Wisconsin	0.8
43	Hawaii	0.7
44	Arizona	0.6
45	Pennsylvania	0.5
46	Kansas	0.4
46	New Hampshire	0.4
46	Wyoming	0.4
49	North Dakota	NA
50	Oregon	NA
	District of Columbia	4.5

Source: Children's Bureau, U.S. Dep't of Health & Human Servs., Child Maltreatment 2009, *in* Crime State Rankings 2011: Crime Across America 273 (Kathleen O. Morgan et al. eds., 2011).

2004 Number of Federal Law Enforcement Officers
104,884 Total Officers Nationally

Rank	*State*	*Officers*	*% of USA*
1	Texas	14,663	14.0%
2	California	13,365	12.7%
3	New York	8,159	7.8%
4	Florida	6,627	6.3%
5	Arizona	5,143	4.9%
6	Virginia	4,086	3.9%
7	Pennsylvania	3,436	3.3%
8	Illinois	2,988	2.8%
9	Georgia	2,500	2.4%
10	New Jersey	2,453	2.3%
11	Michigan	2,260	2.2%
12	Washington	2,042	1.9%
13	Maryland	1,558	1.5%
14	Colorado	1,554	1.5%
15	Massachusetts	1,437	1.4%
16	Louisiana	1,430	1.4%
17	Kentucky	1,411	1.3%
18	North Carolina	1,344	1.3%
19	New Mexico	1,281	1.2%
20	Ohio	1,249	1.2%
21	Missouri	1,208	1.2%
22	Tennessee	1,201	1.1%
23	Minnesota	1,067	1.0%
24	South Carolina	959	0.9%
25	West Virginia	844	0.8%
26	Oklahoma	825	0.8%
27	Alabama	779	0.7%
28	Oregon	737	0.7%
29	Indiana	699	0.7%
30	Hawaii	677	0.6%
31	Montana	629	0.6%
32	Kansas	594	0.6%
33	Mississippi	574	0.5%
34	Arkansas	555	0.5%
35	Maine	548	0.5%
36	Nevada	499	0.5%
37	North Dakota	498	0.5%
38	Wisconsin	478	0.5%
39	Connecticut	461	0.4%
40	Vermont	434	0.4%
41	Alaska	399	0.4%
42	Utah	362	0.3%
43	Idaho	338	0.3%
44	Nebraska	292	0.3%
45	South Dakota	264	0.3%
46	Iowa	219	0.2%
47	Wyoming	215	0.2%
48	Rhode Island	151	0.1%
49	Delaware	112	0.1%
49	New Hampshire	112	0.1%
	District of Columbia	9,201	8.8%

Source: Bureau of Justice Statistics, U.S. Dep't of Justice, Federal Law Enforcement Officers, 2004, *in* Crime State Rankings 2011: Crime Across America 284 (Kathleen O. Morgan et al. eds., 2011).

2009 Number of State Government Law Enforcement Officers
72,160 Total Officers Nationally

Rank	*State*	*Officers*	*% of USA*
1	California	8,607	11.9%
2	New York	5,092	7.1%
3	Pennsylvania	4,657	6.5%
4	New Jersey	4,481	6.2%
5	Texas	3,504	4.9%
6	Florida	2,694	3.7%
7	Massachusetts	2,595	3.6%
8	Maryland	2,490	3.5%
9	Illinois	2,391	3.3%
10	North Carolina	2,289	3.2%
11	Virginia	2,240	3.1%
12	Ohio	2,024	2.8%
13	South Carolina	1,684	2.3%
14	Michigan	1,669	2.3%
15	Missouri	1,611	2.2%
16	Tennessee	1,468	2.0%
17	Kentucky	1,413	2.0%
18	Indiana	1,391	1.9%
19	Georgia	1,270	1.8%
20	Louisiana	1,242	1.7%
21	Arizona	1,241	1.7%
22	Connecticut	1,170	1.6%
23	Washington	1,098	1.5%
24	Delaware	1,035	1.4%
25	Alabama	1,009	1.4%
26	Wisconsin	923	1.3%
27	Oklahoma	862	1.2%
28	Kansas	858	1.2%
29	Colorado	844	1.2%
30	West Virginia	843	1.2%
31	Iowa	658	0.9%
32	Oregon	612	0.8%
33	Arkansas	589	0.8%
34	Minnesota	576	0.8%
34	Utah	576	0.8%
36	New Mexico	542	0.8%
37	Nevada	523	0.7%
38	Nebraska	485	0.7%
39	Vermont	399	0.6%
40	New Hampshire	365	0.5%
41	Alaska	363	0.5%
42	Maine	342	0.5%
43	Rhode Island	335	0.5%
44	Idaho	256	0.4%
45	Montana	244	0.3%
46	South Dakota	208	0.3%
47	Wyoming	203	0.3%
48	North Dakota	132	0.2%
49	Hawaii*	0	0.0%
NA	Mississippi	NA	NA
	District of Columbia*	0	0.0%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 286 (Kathleen O. Morgan et al. eds., 2011).

*Do not have state police agencies.

2009 Number of State and Local Police Officers
719,358 Total Officers Nationally

Rank	*State*	*Officers*	*% of USA*
1	California	77,224	10.7%
2	New York	75,244	10.5%
3	Texas	51,896	7.2%
4	Florida	44,153	6.1%
5	Illinois	37,087	5.2%
6	Pennsylvania	28,025	3.9%
7	New Jersey	27,142	3.8%
8	Ohio	24,507	3.4%
9	North Carolina	22,237	3.1%
10	Georgia	21,314	3.0%
11	Massachusetts	19,922	2.8%
12	Michigan	18,227	2.5%
13	Virginia	17,254	2.4%
14	Tennessee	14,310	2.0%
15	Missouri	13,732	1.9%
16	Maryland	13,687	1.9%
17	Indiana	13,273	1.8%
18	Louisiana	13,099	1.8%
19	Arizona	13,025	1.8%
20	Wisconsin	12,787	1.8%
21	Colorado	11,606	1.6%
22	South Carolina	11,416	1.6%
23	Washington	11,325	1.6%
24	Alabama	10,783	1.5%
25	Minnesota	9,288	1.3%
26	Connecticut	8,081	1.1%
27	Kentucky	7,953	1.1%
28	Oklahoma	7,795	1.1%
29	Mississippi	7,629	1.1%
30	Kansas	6,703	0.9%
31	Oregon	6,361	0.9%
32	Arkansas	6,336	0.9%
33	Iowa	5,580	0.8%
34	Nevada	5,285	0.7%
35	New Mexico	4,528	0.6%
36	Utah	4,479	0.6%
37	Nebraska	3,871	0.5%
38	Idaho	3,151	0.4%
39	West Virginia	3,090	0.4%
40	Hawaii	3,065	0.4%
41	New Hampshire	3,009	0.4%
42	Rhode Island	3,004	0.4%
43	Maine	2,297	0.3%
44	Delaware	2,017	0.3%
45	Montana	1,799	0.3%
46	South Dakota	1,740	0.2%
47	Wyoming	1,532	0.2%
48	North Dakota	1,207	0.2%
49	Alaska	1,187	0.2%
50	Vermont	1,031	0.1%
	District of Columbia	4,065	0.6%

Source: Gov'ts Div., U.S. Bureau of the Census, Government Employment and Payroll, *in* Crime State Rankings 2011: Crime Across America 294 (Kathleen O. Morgan et al. eds., 2011).

2009 State and Local Police Officers per 10,000 Population

Rank	*State*	*Rate*
1	New York	38.5
2	New Jersey	31.2
3	Massachusetts	30.2
4	Louisiana	29.2
5	Illinois	28.7
6	Rhode Island	28.5
7	Wyoming	28.1
8	Mississippi	25.8
9	South Carolina	25.0
10	Maryland	24.0
11	Florida	23.8
11	Kansas	23.8
13	Hawaii	23.7
13	North Carolina	23.7
15	Colorado	23.1
16	Connecticut	23.0
17	Alabama	22.9
17	Missouri	22.9
19	Delaware	22.8
20	New Hampshire	22.7
20	Tennessee	22.7
22	Wisconsin	22.6
23	New Mexico	22.5
24	Pennsylvania	22.2
25	Arkansas	21.9
25	Virginia	21.9
27	Georgia	21.7
28	Nebraska	21.5
29	South Dakota	21.4
30	Ohio	21.2
31	Oklahoma	21.1
32	California	20.9
32	Texas	20.9
34	Indiana	20.7
35	Idaho	20.4
36	Nevada	20.0
37	Arizona	19.7
38	North Dakota	18.7
39	Iowa	18.6
40	Montana	18.5
41	Kentucky	18.4
42	Michigan	18.3
43	Minnesota	17.6
44	Maine	17.4
45	Alaska	17.0
45	Washington	17.0
45	West Virginia	17.0
48	Oregon	16.6
48	Vermont	16.6
50	Utah	16.1
	District of Columbia	67.8

Source: Gov'ts Div., U.S. Bureau of the Census, Government Employment and Payroll, *in* Crime State Rankings 2011: Crime Across America 295 (Kathleen O. Morgan et al. eds., 2011).

2009 City and County Law Enforcement Agencies per 1,000 Square Miles

Rank	*State*	*Rate*
1	New Jersey	62.2
2	Rhode Island	31.1
3	Massachusetts	30.7
4	Delaware	21.7
5	Pennsylvania	20.7
6	Connecticut	18.8
7	New Hampshire	15.9
8	West Virginia	14.3
9	Ohio	13.6
10	Illinois	12.7
11	Tennessee	10.8
12	Maryland	10.6
13	Kentucky	9.8
14	North Carolina	9.3
15	South Carolina	8.4
16	Missouri	8.0
16	New York	8.0
18	Georgia	7.5
19	Alabama	6.7
20	Indiana	6.6
21	Michigan	6.5
21	Virginia	6.5
23	Wisconsin	5.9
24	Florida	5.6
25	Vermont	5.4
26	Arkansas	5.3
27	Oklahoma	4.5
28	Iowa	4.2
28	Kansas	4.2
30	Mississippi	4.0
31	Maine	3.8
31	Texas	3.8
33	Minnesota	3.7
34	Washington	3.4
35	Louisiana	3.0
36	California	2.8
37	Colorado	2.2
38	Nebraska	2.1
38	Oregon	2.1
40	South Dakota	1.9
41	Utah	1.6
42	North Dakota	1.5
43	Idaho	1.3
44	Arizona	0.9
44	New Mexico	0.9
46	Montana	0.7
46	Wyoming	0.7
48	Hawaii	0.4
48	Nevada	0.4
50	Alaska	0.1
	District of Columbia	29.4

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 298 (Kathleen O. Morgan et al. eds., 2011).

2009 Law Enforcement Officers Feloniously Killed
46 National Total

Rank	*State*	*Officers*	*% of USA*
1	Pennsylvania	6	13.0%
1	Texas	6	13.0%
1	Washington	6	13.0%
4	California	5	10.9%
5	Alabama	4	8.7%
6	Florida	3	6.5%
6	North Carolina	3	6.5%
8	Illinois	2	4.3%
8	Oklahoma	2	4.3%
10	Arkansas	1	2.2%
10	Colorado	1	2.2%
10	Delaware	1	2.2%
10	Kansas	1	2.2%
10	Minnesota	1	2.2%
10	New Jersey	1	2.2%
10	New Mexico	1	2.2%
10	South Dakota	1	2.2%
10	Tennessee	1	2.2%
19	Alaska	0	0.0%
19	Arizona	0	0.0%
19	Connecticut	0	0.0%
19	Georgia	0	0.0%
19	Hawaii	0	0.0%
19	Idaho	0	0.0%
19	Indiana	0	0.0%
19	Iowa	0	0.0%
19	Kentucky	0	0.0%
19	Louisiana	0	0.0%
19	Maine	0	0.0%
19	Maryland	0	0.0%
19	Massachusetts	0	0.0%
19	Michigan	0	0.0%
19	Mississippi	0	0.0%
19	Missouri	0	0.0%
19	Montana	0	0.0%
19	Nebraska	0	0.0%
19	Nevada	0	0.0%
19	New Hampshire	0	0.0%
19	New York	0	0.0%
19	North Dakota	0	0.0%
19	Ohio	0	0.0%
19	Oregon	0	0.0%
19	Rhode Island	0	0.0%
19	South Carolina	0	0.0%
19	Utah	0	0.0%
19	Vermont	0	0.0%
19	Virginia	0	0.0%
19	West Virginia	0	0.0%
19	Wisconsin	0	0.0%
19	Wyoming	0	0.0%
	District of Columbia	0	0.0%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Law Enforcement Officers Killed and Assaulted 2009, *in* Crime State Rankings 2011: Crime Across America 299 (Kathleen O. Morgan et al. eds., 2011).

2000 to 2009 Law Enforcement Officers Feloniously Killed
513 National Total

Rank	*State*	*Officers*	*% of USA*
1	Texas	53	10.3%
2	California	47	9.2%
3	Florida	25	4.9%
3	Louisiana	25	4.9%
5	Pennsylvania	21	4.1%
6	Georgia	20	3.9%
6	North Carolina	20	3.9%
8	Virginia	19	3.7%
9	Alabama	18	3.5%
9	Illinois	18	3.5%
9	South Carolina	18	3.5%
12	Michigan	17	3.3%
13	Tennessee	16	3.1%
14	New York	15	2.9%
14	Ohio	15	2.9%
14	Washington	15	2.9%
17	Maryland	14	2.7%
18	Arizona	13	2.5%
18	Indiana	13	2.5%
18	Missouri	13	2.5%
21	Mississippi	11	2.1%
22	Kentucky	8	1.6%
23	New Mexico	7	1.4%
23	Wisconsin	7	1.4%
25	Kansas	6	1.2%
25	New Jersey	6	1.2%
25	Oklahoma	6	1.2%
28	Arkansas	5	1.0%
28	Colorado	5	1.0%
28	Minnesota	5	1.0%
31	Utah	4	0.8%
32	Alaska	3	0.6%
32	Idaho	3	0.6%
32	Oregon	3	0.6%
35	Hawaii	2	0.4%
35	Massachusetts	2	0.4%
35	Nevada	2	0.4%
35	New Hampshire	2	0.4%
35	West Virginia	2	0.4%
40	Connecticut	1	0.2%
40	Delaware	1	0.2%
40	Montana	1	0.2%
40	Nebraska	1	0.2%
40	Rhode Island	1	0.2%
40	South Dakota	1	0.2%
46	Iowa	0	0.0%
46	Maine	0	0.0%
46	North Dakota	0	0.0%
46	Vermont	0	0.0%
46	Wyoming	0	0.0%
	District of Columbia	3	0.6%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Law Enforcement Officers Killed and Assaulted 2009, *in* Crime State Rankings 2011: Crime Across America 300 (Kathleen O. Morgan et al. eds., 2011).

2009 Law Enforcement Officers Accidentally Killed
47 National Total

Rank	*State*	*Officers*	*% of USA*
1	California	3	6.4%
1	New York	3	6.4%
1	North Carolina	3	6.4%
1	Virginia	3	6.4%
5	Georgia	2	4.3%
5	Idaho	2	4.3%
5	Indiana	2	4.3%
5	Massachusetts	2	4.3%
5	Mississippi	2	4.3%
5	Missouri	2	4.3%
5	Nevada	2	4.3%
5	New Mexico	2	4.3%
5	South Carolina	2	4.3%
5	Texas	2	4.3%
15	Alabama	1	2.1%
15	Arizona	1	2.1%
15	Arkansas	1	2.1%
15	Florida	1	2.1%
15	Louisiana	1	2.1%
15	Michigan	1	2.1%
15	Montana	1	2.1%
15	Nebraska	1	2.1%
15	Ohio	1	2.1%
15	Oklahoma	1	2.1%
15	Pennsylvania	1	2.1%
15	Tennessee	1	2.1%
15	Washington	1	2.1%
15	West Virginia	1	2.1%
15	Wisconsin	1	2.1%
30	Alaska	0	0.0%
30	Colorado	0	0.0%
30	Connecticut	0	0.0%
30	Delaware	0	0.0%
30	Hawaii	0	0.0%
30	Illinois	0	0.0%
30	Iowa	0	0.0%
30	Kansas	0	0.0%
30	Kentucky	0	0.0%
30	Maine	0	0.0%
30	Maryland	0	0.0%
30	Minnesota	0	0.0%
30	New Hampshire	0	0.0%
30	New Jersey	0	0.0%
30	North Dakota	0	0.0%
30	Oregon	0	0.0%
30	Rhode Island	0	0.0%
30	South Dakota	0	0.0%
30	Utah	0	0.0%
30	Vermont	0	0.0%
30	Wyoming	0	0.0%
	District of Columbia	0	0.0%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Law Enforcement Officers Killed and Assaulted 2009, *in* Crime State Rankings 2011: Crime Across America 301 (Kathleen O. Morgan et al. eds., 2011).

2000 to 2009 Law Enforcement Officers Accidentally Killed
710 National Total

Rank	*State*	*Officers*	*% of USA*
1	Texas	80	11.3%
2	California	77	10.8%
3	Florida	41	5.8%
4	North Carolina	30	4.2%
5	Georgia	28	3.9%
6	Tennessee	27	3.8%
7	New York	25	3.5%
8	Illinois	23	3.2%
9	Missouri	22	3.1%
10	Arizona	21	3.0%
11	Louisiana	20	2.8%
12	Indiana	19	2.7%
12	Pennsylvania	19	2.7%
14	Alabama	17	2.4%
14	Maryland	17	2.4%
14	South Carolina	17	2.4%
14	Virginia	17	2.4%
18	Michigan	16	2.3%
18	Ohio	16	2.3%
20	New Jersey	15	2.1%
21	Mississippi	14	2.0%
21	New Mexico	14	2.0%
23	Oklahoma	12	1.7%
24	Arkansas	11	1.5%
24	Massachusetts	11	1.5%
26	Washington	9	1.3%
27	Colorado	8	1.1%
27	Wisconsin	8	1.1%
29	Montana	7	1.0%
29	Nevada	7	1.0%
29	Oregon	7	1.0%
29	Utah	7	1.0%
33	Kentucky	6	0.8%
34	Hawaii	5	0.7%
34	Kansas	5	0.7%
34	Minnesota	5	0.7%
37	Connecticut	4	0.6%
37	West Virginia	4	0.6%
39	Idaho	3	0.4%
40	Alaska	2	0.3%
40	Delaware	2	0.3%
40	Iowa	2	0.3%
40	Rhode Island	2	0.3%
40	South Dakota	2	0.3%
40	Vermont	2	0.3%
46	Nebraska	1	0.1%
46	Wyoming	1	0.1%
48	Maine	0	0.0%
48	New Hampshire	0	0.0%
48	North Dakota	0	0.0%
	District of Columbia	2	0.3%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Law Enforcement Officers Killed and Assaulted 2009, *in* Crime State Rankings 2011: Crime Across America 302 (Kathleen O. Morgan et al. eds., 2011).

2009 Number of Detectives and Criminal Investigators
110,380 National Total

Rank	*State*	*Employees*	*% of USA*
1	Texas	14,350	13.0%
2	California	12,800	11.6%
3	New York	9,200	8.3%
4	Florida	7,440	6.7%
5	Arizona	5,370	4.9%
6	Georgia	4,750	4.3%
7	North Carolina	3,660	3.3%
8	Pennsylvania	3,520	3.2%
9	New Jersey	3,310	3.0%
10	Virginia	3,170	2.9%
11	Illinois	2,840	2.6%
12	Ohio	2,700	2.4%
13	Louisiana	2,140	1.9%
14	New Mexico	1,860	1.7%
15	Colorado	1,790	1.6%
15	Michigan	1,790	1.6%
17	Massachusetts	1,780	1.6%
18	Oklahoma	1,700	1.5%
19	Missouri	1,680	1.5%
20	Washington	1,670	1.5%
21	Tennessee	1,550	1.4%
22	Wisconsin	1,520	1.4%
23	Maryland	1,440	1.3%
24	Minnesota	1,260	1.1%
25	Indiana	1,230	1.1%
26	Alabama	1,140	1.0%
27	Connecticut	1,080	1.0%
28	Mississippi	1,060	1.0%
29	South Carolina	1,040	0.9%
30	Kansas	930	0.8%
31	Oregon	640	0.6%
32	Nevada	620	0.6%
33	Kentucky	580	0.5%
34	Maine	570	0.5%
35	Hawaii	500	0.5%
36	Arkansas	470	0.4%
37	Idaho	420	0.4%
38	Montana	410	0.4%
39	Utah	390	0.4%
40	West Virginia	380	0.3%
41	Rhode Island	370	0.3%
42	New Hampshire	350	0.3%
43	Nebraska	310	0.3%
44	Vermont	270	0.2%
45	North Dakota	260	0.2%
46	Wyoming	220	0.2%
47	South Dakota	210	0.2%
48	Delaware	130	0.1%
49	Alaska	110	0.1%
50	Iowa	NA	NA
	District of Columbia	NA	NA

Source: Bureau of Labor Statistics, U.S. Dep't of Labor, Occupational Employment Statistics, *in* Crime State Rankings 2011: Crime Across America 306 (Kathleen O. Morgan et al. eds., 2011).

2009 Wiretaps Authorized
1,713 Total Wiretaps Nationally

Rank	*State*	*Wiretaps*	*% of USA*
1	California	586	34.2%
2	New York	424	24.8%
3	New Jersey	206	12.0%
4	Colorado	115	6.7%
5	Florida	78	4.6%
6	Nevada	55	3.2%
6	Tennessee	55	3.2%
8	Pennsylvania	47	2.7%
9	Georgia	34	2.0%
10	Arizona	30	1.8%
11	Maryland	21	1.2%
12	Mississippi	12	0.7%
13	Oklahoma	10	0.6%
13	Wisconsin	10	0.6%
15	Massachusetts	8	0.5%
16	North Carolina	5	0.3%
17	Indiana	4	0.2%
18	Connecticut	3	0.2%
18	Minnesota	3	0.2%
18	Wyoming	3	0.2%
21	Kansas	2	0.1%
22	Illinois	1	0.1%
22	Ohio	1	0.1%
24	Alaska	0	0.0%
24	Delaware	0	0.0%
24	Hawaii	0	0.0%
24	Idaho	0	0.0%
24	Iowa	0	0.0%
24	Louisiana	0	0.0%
24	Maine	0	0.0%
24	Missouri	0	0.0%
24	Nebraska	0	0.0%
24	New Hampshire	0	0.0%
24	New Mexico	0	0.0%
24	North Dakota	0	0.0%
24	Oregon	0	0.0%
24	Rhode Island	0	0.0%
24	South Carolina	0	0.0%
24	South Dakota	0	0.0%
24	Texas	0	0.0%
24	Utah	0	0.0%
24	Virginia	0	0.0%
24	Washington	0	0.0%
24	West Virginia	0	0.0%
NA	Alabama**	NA	NA
NA	Arkansas**	NA	NA
NA	Kentucky**	NA	NA
NA	Michigan**	NA	NA
NA	Montana**	NA	NA
NA	Vermont**	NA	NA
	District of Columbia	0	0.0%

Source: Administrative Office of the United States Courts, 2009 Wiretap Report, *in* Crime State Rankings 2011: Crime Across America 314 (Kathleen O. Morgan et al. eds., 2011).

**No state statute authorizing wiretaps.

2009 Violent Crimes
1,318,398 National Total

Rank	*State*	*Crimes*	*% of USA*
1	California	174,459	13.2%
2	Texas	121,668	9.2%
3	Florida	113,541	8.6%
4	New York	75,176	5.7%
5	Illinois	64,185	4.9%
6	Michigan	49,547	3.8%
7	Pennsylvania	47,965	3.6%
8	Tennessee	42,041	3.2%
9	Georgia	41,880	3.2%
10	Ohio	38,332	2.9%
11	North Carolina	37,929	2.9%
12	Maryland	33,623	2.6%
13	South Carolina	30,596	2.3%
14	Massachusetts	30,136	2.3%
15	Missouri	29,444	2.2%
16	Louisiana	27,849	2.1%
17	New Jersey	27,121	2.1%
18	Arizona	26,929	2.0%
19	Washington	22,056	1.7%
20	Indiana	21,404	1.6%
21	Alabama	21,179	1.6%
22	Nevada	18,559	1.4%
23	Oklahoma	18,474	1.4%
24	Virginia	17,879	1.4%
25	Colorado	16,976	1.3%
26	Arkansas	14,959	1.1%
27	Wisconsin	14,533	1.1%
28	Minnesota	12,842	1.0%
29	New Mexico	12,440	0.9%
30	Kansas	11,278	0.9%
31	Kentucky	11,159	0.8%
32	Connecticut	10,508	0.8%
33	Oregon	9,744	0.7%
34	Iowa	8,397	0.6%
35	Mississippi	8,304	0.6%
36	Utah	5,924	0.4%
37	Delaware	5,635	0.4%
38	West Virginia	5,396	0.4%
39	Nebraska	5,059	0.4%
40	Alaska	4,421	0.3%
41	Hawaii	3,559	0.3%
42	Idaho	3,530	0.3%
43	Rhode Island	2,660	0.2%
44	Montana	2,473	0.2%
45	New Hampshire	2,114	0.2%
46	Maine	1,579	0.1%
47	South Dakota	1,508	0.1%
48	North Dakota	1,298	0.1%
49	Wyoming	1,242	0.1%
50	Vermont	817	0.1%
	District of Columbia	8,071	0.6%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 325 (Kathleen O. Morgan et al. eds., 2011).

2009 Average Time Between Violent Crimes

Rank	*State*	*Hours.Minutes*
1	Vermont	10.43
2	Wyoming	7.03
3	North Dakota	6.45
4	South Dakota	5.49
5	Maine	5.33
6	New Hampshire	4.08
7	Montana	3.32
8	Rhode Island	3.17
9	Idaho	2.29
10	Hawaii	2.28
11	Alaska	1.59
12	Nebraska	1.44
13	West Virginia	1.37
14	Delaware	1.33
15	Utah	1.29
16	Mississippi	1.03
17	Iowa	1.02
18	Oregon	0.54
19	Connecticut	0.50
20	Kansas	0.47
20	Kentucky	0.47
22	New Mexico	0.42
23	Minnesota	0.41
24	Wisconsin	0.36
25	Arkansas	0.35
26	Colorado	0.31
27	Virginia	0.29
28	Nevada	0.28
28	Oklahoma	0.28
30	Alabama	0.25
30	Indiana	0.25
32	Washington	0.24
33	Arizona	0.20
34	Louisiana	0.19
34	New Jersey	0.19
36	Missouri	0.18
37	Massachusetts	0.17
37	South Carolina	0.17
39	Maryland	0.16
40	North Carolina	0.14
40	Ohio	0.14
42	Georgia	0.13
42	Tennessee	0.13
44	Michigan	0.11
44	Pennsylvania	0.11
46	Illinois	0.08
47	New York	0.07
48	Florida	0.05
49	Texas	0.04
50	California	0.03
	District of Columbia	1.05

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 326 (Kathleen O. Morgan et al. eds., 2011).

2008 to 2009 Percent Change in Number of Violent Crimes

Rank	*State*	*Percent Change*
1	West Virginia	7.3
2	North Dakota	6.7
3	Arkansas	3.4
4	Washington	1.5
5	Hawaii	1.4
6	Massachusetts	0.8
7	Maine	0.4
8	Alabama	0.3
9	Rhode Island	0.2
10	Indiana	-0.5
11	New Hampshire	-0.6
12	Colorado	-0.9
12	Missouri	-0.9
14	Oregon	-1.0
15	Alaska	-1.3
16	Texas	-1.6
17	Nevada	-1.9
18	Connecticut	-2.1
19	Kansas	-2.7
20	Iowa	-2.9
21	New York	-3.1
22	Utah	-3.4
23	Michigan	-3.6
24	Idaho	-4.0
24	Oklahoma	-4.0
26	New Jersey	-4.3
26	Vermont	-4.3
28	New Mexico	-4.4
29	Maryland	-5.0
39	Ohio	-5.0
31	Wyoming	-5.3
32	Illinois	-5.4
33	California	-5.8
33	Louisiana	-5.8
35	Pennsylvania	-6.0
36	Wisconsin	-6.2
37	Tennessee	-6.5
38	South Carolina	-6.6
39	Minnesota	-6.7
40	Mississippi	-7.2
41	Nebraska	-8.6
42	Delaware	-8.9
43	Florida	-10.1
44	Virginia	-10.8
45	Georgia	-11.8
46	North Carolina	-12.0
47	Kentucky	-12.9
48	Arizona	-13.9
49	Montana	-15.3
50	South Dakota	-32.1
	District of Columbia	-5.1

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 328 (Kathleen O. Morgan et al. eds., 2011).

2009 Violent Crimes with Firearms
305,254 National Total

Rank	*State*	*Crimes*	*% of USA*
1	California	38,477	12.6%
2	Texas	37,414	12.3%
3	Tennessee	15,141	5.0%
4	Michigan	14,836	4.9%
5	Georgia	13,146	4.3%
6	North Carolina	12,575	4.1%
7	Pennsylvania	12,562	4.1%
8	Ohio	10,784	3.5%
9	Missouri	9,924	3.3%
10	South Carolina	8,940	2.9%
11	Louisiana	7,927	2.6%
12	Arizona	7,921	2.6%
13	Maryland	5,953	2.0%
14	New Jersey	5,787	1.9%
15	New York	5,554	1.8%
16	Indiana	5,366	1.8%
17	Virginia	5,155	1.7%
18	Wisconsin	4,560	1.5%
19	Oklahoma	4,154	1.4%
20	Nevada	4,084	1.3%
21	Arkansas	3,833	1.3%
22	Massachusetts	3,789	1.2%
23	Washington	3,533	1.2%
24	Colorado	3,343	1.1%
25	Alabama	3,222	1.1%
26	Kansas	2,668	0.9%
27	Kentucky	2,652	0.9%
28	New Mexico	2,430	0.8%
29	Minnesota	2,333	0.8%
30	Connecticut	2,287	0.7%
31	Mississippi	2,256	0.7%
32	Delaware	1,629	0.5%
33	Oregon	1,208	0.4%
34	Nebraska	1,101	0.4%
35	West Virginia	988	0.3%
36	Utah	975	0.3%
37	Iowa	841	0.3%
38	Alaska	722	0.2%
39	Rhode Island	567	0.2%
40	Idaho	507	0.2%
41	Montana	368	0.1%
42	New Hampshire	280	0.1%
43	Hawaii	274	0.1%
44	Wyoming	138	0.0%
45	South Dakota	137	0.0%
46	Maine	120	0.0%
47	Vermont	98	0.0%
48	North Dakota	39	0.0%
NA	Florida	NA	NA
NA	Illinois	NA	NA
	District of Columbia	2,701	0.9%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 331 (Kathleen O. Morgan et al. eds., 2011).

2009 Violent Crimes with Firearms per 100,000 Population

Rank	*State*	*Rate*
1	Tennessee	246.7
2	South Carolina	210.0
3	Louisiana	206.2
4	Delaware	184.2
5	Missouri	177.5
6	Georgia	166.3
7	Kansas	158.4
8	Nevada	157.5
9	Michigan	152.4
10	Texas	151.6
11	North Carolina	150.7
12	Arkansas	145.5
13	New Mexico	142.7
14	Arizona	122.3
15	Mississippi	121.1
16	Maryland	118.3
17	Oklahoma	117.6
18	Ohio	113.8
19	Alabama	112.9
20	Pennsylvania	107.8
21	Alaska	104.7
21	California	104.7
23	Indiana	100.2
24	Wisconsin	82.3
25	West Virginia	74.0
26	Colorado	69.3
27	Nebraska	68.2
28	New Jersey	67.3
29	Virginia	67.0
30	Kentucky	65.7
31	Connecticut	65.0
32	Massachusetts	63.5
33	Washington	56.9
34	Rhode Island	53.8
35	New York	51.6
36	Minnesota	46.1
37	Montana	38.1
38	Utah	35.5
39	Idaho	33.3
40	Oregon	32.1
41	Iowa	30.6
42	Wyoming	25.6
43	New Hampshire	24.1
44	Hawaii	23.8
45	South Dakota	19.4
46	Vermont	16.2
47	Maine	9.1
48	North Dakota	6.4
NA	Florida	NA
NA	Illinois	NA
	District of Columbia	450.4

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 332 (Kathleen O. Morgan et al. eds., 2011).

2009 Percent of Violent Crimes Involving Firearms

Rank	*State*	*Percent*
1	Mississippi	42.4
2	Kansas	39.2
3	Georgia	39.1
4	North Carolina	38.5
5	Tennessee	38.4
6	Missouri	37.1
7	Wisconsin	34.6
8	Louisiana	34.4
9	Alabama	33.7
9	Ohio	33.7
11	Virginia	33.5
12	Michigan	33.2
13	Texas	33.1
14	South Carolina	32.6
15	Arizona	32.5
16	Delaware	30.8
17	Arkansas	29.8
18	Pennsylvania	29.6
19	Indiana	29.1
20	Kentucky	28.4
21	Maryland	25.8
22	Nebraska	25.6
23	Oklahoma	25.5
24	West Virginia	25.0
25	New Mexico	24.2
26	Rhode Island	23.9
27	Nevada	23.5
28	California	23.3
28	Colorado	23.3
30	Connecticut	23.2
31	New Jersey	22.3
32	Minnesota	21.6
33	New York	20.6
34	Utah	19.6
35	Washington	19.0
36	Alaska	18.7
37	New Hampshire	17.6
38	Idaho	17.1
38	Montana	17.1
40	Oregon	15.5
41	Massachusetts	14.5
41	Vermont	14.5
43	South Dakota	13.9
44	Wyoming	13.2
45	Iowa	11.7
46	Maine	10.0
47	Hawaii	9.5
48	North Dakota	3.7
NA	Florida	NA
NA	Illinois	NA
	District of Columbia	34.1

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 333 (Kathleen O. Morgan et al. eds., 2011).

2009 Average Time Between Murders

Rank	*State*	*Hours.Minutes*
1	California	4.26
2	Texas	6.36
3	Florida	8.37
4	New York	11.16
5	Illinois	11.20
6	Pennsylvania	13.15
7	Michigan	13.58
8	Georgia	15.29
9	Louisiana	16.32
10	Ohio	16.53
11	North Carolina	17.44
12	Tennessee	19.00
13	Maryland	20.00
14	Missouri	22.52
15	Arizona	24.45
16	Virginia	25.15
17	Alabama	27.07
18	New Jersey	27.28
19	Indiana	28.16
20	South Carolina	30.31
21	Oklahoma	38.25
22	Mississippi	46.07
23	Arkansas	48.56
23	Washington	48.56
25	Kentucky	49.13
26	Colorado	50.04
26	New Mexico	50.04
28	Massachusetts	50.56
29	Nevada	55.48
30	Wisconsin	60.50
31	Kansas	73.37
32	Connecticut	81.52
33	Oregon	103.04
34	West Virginia	104.17
35	Minnesota	118.23
36	Delaware	213.40
37	Nebraska	219.00
38	Utah	236.46
39	Iowa	257.39
40	Rhode Island	282.35
41	Montana	312.52
42	Maine	336.55
43	Alaska	398.11
43	Hawaii	398.11
43	Idaho	398.11
46	South Dakota	417.08
47	Wyoming	673.51
48	New Hampshire	876.00
48	North Dakota	876.00
50	Vermont	1,251.26
	District of Columbia	60.50

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 335 (Kathleen O. Morgan et al. eds., 2011).

2009 Murders per 100,000 Population

Rank	*State*	*Rate*
1	Louisiana	11.8
2	New Mexico	8.7
3	Maryland	7.7
4	Tennessee	7.3
5	Alabama	6.9
6	Mississippi	6.4
6	Missouri	6.4
8	Michigan	6.3
8	South Carolina	6.3
10	Arkansas	6.2
10	Oklahoma	6.2
12	Illinois	6.0
13	Nevada	5.9
14	Georgia	5.8
15	Florida	5.5
16	Arizona	5.4
16	Texas	5.4
18	California	5.3
18	North Carolina	5.3
20	Pennsylvania	5.2
21	Indiana	4.8
22	Delaware	4.6
22	West Virginia	4.6
24	Ohio	4.5
25	Virginia	4.4
26	Kansas	4.2
27	Kentucky	4.1
28	New York	4.0
29	New Jersey	3.7
30	Colorado	3.5
31	Alaska	3.1
32	Connecticut	3.0
33	Montana	2.9
33	Rhode Island	2.9
35	Washington	2.7
36	Massachusetts	2.6
36	South Dakota	2.6
38	Wisconsin	2.5
39	Wyoming	2.4
40	Nebraska	2.2
40	Oregon	2.2
42	Maine	2.0
43	Hawaii	1.7
44	North Dakota	1.5
45	Idaho	1.4
45	Minnesota	1.4
47	Utah	1.3
48	Iowa	1.1
48	Vermont	1.1
50	New Hampshire	0.8
	District of Columbia	24.0

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 337 (Kathleen O. Morgan et al. eds., 2011).

2009 Murders with Firearms
9,146 National Total

Rank	*State*	*Murders*	*% of USA*
1	California	1,360	14.9%
2	Texas	862	9.4%
3	New York	481	5.3%
4	Pennsylvania	468	5.1%
5	Michigan	437	4.8%
6	Louisiana	402	4.4%
7	Illinois*	386	4.2%
8	Georgia	378	4.1%
9	North Carolina	335	3.7%
10	Ohio	311	3.4%
11	Maryland	305	3.3%
12	Tennessee	295	3.2%
13	Missouri	276	3.0%
14	Alabama	229	2.5%
14	Virginia	229	2.5%
16	New Jersey	220	2.4%
17	Indiana	209	2.3%
18	Arizona	197	2.2%
18	South Carolina	197	2.2%
20	Oklahoma	125	1.4%
21	Kentucky	112	1.2%
22	Arkansas	107	1.2%
23	Mississippi	105	1.1%
24	Washington	101	1.1%
25	Wisconsin	95	1.0%
26	Colorado	94	1.0%
27	Massachusetts	93	1.0%
28	Nevada	91	1.0%
29	Kansas	85	0.9%
30	New Mexico	78	0.9%
31	Connecticut	70	0.8%
32	Oregon	41	0.4%
33	Minnesota	38	0.4%
33	West Virginia	38	0.4%
35	Delaware	31	0.3%
36	Utah	25	0.3%
37	Nebraska	23	0.3%
38	Montana	19	0.2%
39	Rhode Island	18	0.2%
40	Alaska	13	0.1%
41	Iowa	11	0.1%
41	Maine	11	0.1%
43	Hawaii	8	0.1%
43	Wyoming	8	0.1%
45	Idaho	5	0.1%
46	New Hampshire	4	0.0%
46	South Dakota	4	0.0%
48	North Dakota	3	0.0%
49	Vermont	0	0.0%
NA	Florida	NA	NA
	District of Columbia	113	1.2%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 339 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Murders with Firearms per 100,000 Population

Rank	*State*	*Rate*
1	Illinois*	12.8
2	Louisiana	10.5
3	Alabama	8.0
4	Maryland	6.1
5	Mississippi	5.6
6	Kansas	5.0
7	Missouri	4.9
8	Georgia	4.8
8	Tennessee	4.8
10	New Mexico	4.6
10	South Carolina	4.6
12	Michigan	4.5
12	New York	4.5
14	Arkansas	4.1
15	North Carolina	4.0
15	Pennsylvania	4.0
17	Indiana	3.9
18	California	3.7
19	Delaware	3.5
19	Nevada	3.5
19	Oklahoma	3.5
19	Texas	3.5
23	Ohio	3.3
24	Arizona	3.0
24	Virginia	3.0
26	Kentucky	2.8
26	West Virginia	2.8
28	New Jersey	2.6
29	Connecticut	2.0
29	Montana	2.0
31	Alaska	1.9
31	Colorado	1.9
33	Rhode Island	1.7
33	Wisconsin	1.7
35	Massachusetts	1.6
35	Washington	1.6
37	Wyoming	1.5
38	Nebraska	1.4
39	Oregon	1.1
40	Utah	0.9
41	Maine	0.8
41	Minnesota	0.8
43	Hawaii	0.7
44	South Dakota	0.6
45	North Dakota	0.5
46	Iowa	0.4
47	Idaho	0.3
47	New Hampshire	0.3
49	Vermont	0.0
NA	Florida	NA
	District of Columbia	18.8

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 340 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Percent of Murders Involving Firearms

Rank	*State*	*Percent*
1	Louisiana	82.7
2	Illinois*	80.6
3	Delaware	75.6
4	Wyoming	72.7
5	Missouri	72.4
6	Alabama	72.0
6	Kansas	72.0
8	Indiana	71.3
9	Pennsylvania	71.1
10	Michigan	69.9
11	North Carolina	69.8
12	Georgia	69.6
12	Maryland	69.6
14	Mississippi	69.5
15	California	69.0
15	New Jersey	69.0
17	South Carolina	68.9
18	Montana	67.9
19	Utah	67.6
20	Virginia	66.0
20	Wisconsin	66.0
22	Kentucky	65.9
23	Connecticut	65.4
24	Texas	65.1
25	Tennessee	64.0
26	Arkansas	62.6
27	Ohio	62.0
28	New York	61.7
29	Arizona	60.1
30	Washington	59.8
31	Alaska	59.1
32	Nevada	58.3
33	Rhode Island	58.1
34	Nebraska	57.5
35	Colorado	56.3
36	Oklahoma	55.6
37	Massachusetts	55.0
38	New Mexico	54.2
39	Minnesota	52.8
40	West Virginia	50.0
41	Oregon	49.4
42	Maine	42.3
43	New Hampshire	40.0
44	Hawaii	38.1
45	South Dakota	36.4
46	North Dakota	33.3
47	Iowa	32.4
48	Idaho	22.7
49	Vermont	0.0
NA	Florida	NA
	District of Columbia	78.5

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 341 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Murders with Handguns
6,452 National Total

Rank	*State*	*Murders*	*% of USA*
1	California	1,022	15.8%
2	Texas	661	10.2%
3	Pennsylvania	373	5.8%
4	Illinois*	360	5.6%
5	Louisiana	330	5.1%
6	Georgia	323	5.0%
7	Maryland	297	4.6%
8	North Carolina	243	3.8%
9	Michigan	239	3.7%
10	Tennessee	200	3.1%
11	Alabama	196	3.0%
12	Ohio	193	3.0%
13	New Jersey	189	2.9%
14	Missouri	170	2.6%
15	Arizona	164	2.5%
16	Indiana	136	2.1%
17	New York	117	1.8%
18	South Carolina	115	1.8%
19	Virginia	108	1.7%
20	Oklahoma	104	1.6%
21	Kentucky	90	1.4%
22	Mississippi	83	1.3%
23	Washington	75	1.2%
24	Nevada	66	1.0%
25	Wisconsin	65	1.0%
26	Colorado	55	0.9%
27	Arkansas	54	0.8%
27	New Mexico	54	0.8%
29	Connecticut	51	0.8%
30	Massachusetts	47	0.7%
31	Kansas	38	0.6%
32	Minnesota	35	0.5%
33	Nebraska	22	0.3%
34	Delaware	20	0.3%
34	West Virginia	20	0.3%
36	Utah	15	0.2%
37	Montana	9	0.1%
37	Oregon	9	0.1%
39	Wyoming	7	0.1%
40	Hawaii	4	0.1%
40	Maine	4	0.1%
42	Idaho	3	0.0%
42	Iowa	3	0.0%
44	Alaska	1	0.0%
44	New Hampshire	1	0.0%
44	North Dakota	1	0.0%
47	Rhode Island	0	0.0%
47	South Dakota	0	0.0%
47	Vermont	0	0.0%
NA	Florida	NA	NA
	District of Columbia	80	1.2%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 342 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Handgun Murders
2.6 Murders per 100,000 Population Nationally

Rank	*State*	*Rate*
1	Illinois*	12.0
2	Louisiana	8.6
3	Alabama	6.9
4	Maryland	5.9
5	Mississippi	4.5
6	Georgia	4.1
7	Tennessee	3.3
8	New Mexico	3.2
8	Pennsylvania	3.2
10	Missouri	3.0
11	North Carolina	2.9
11	Oklahoma	2.9
13	California	2.8
14	South Carolina	2.7
14	Texas	2.7
16	Arizona	2.5
16	Indiana	2.5
16	Michigan	2.5
16	Nevada	2.5
20	Delaware	2.3
20	Kansas	2.3
22	Kentucky	2.2
22	New Jersey	2.2
24	Arkansas	2.1
25	Ohio	2.0
26	West Virginia	1.5
27	Connecticut	1.4
27	Nebraska	1.4
27	Virginia	1.4
30	Wyoming	1.3
31	Washington	1.2
31	Wisconsin	1.2
33	Colorado	1.1
33	New York	1.1
35	Montana	0.9
36	Massachusetts	0.8
37	Minnesota	0.7
38	Utah	0.5
39	Hawaii	0.3
39	Maine	0.3
41	Idaho	0.2
41	North Dakota	0.2
41	Oregon	0.2
44	Alaska	0.1
44	Iowa	0.1
44	New Hampshire	0.1
47	Rhode Island	0.0
47	South Dakota	0.0
47	Vermont	0.0
NA	Florida	NA
	District of Columbia	13.3

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 343 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Rifle Murders
348 Murders Nationally

Rank	*State*	*Murders*	*% of USA*
1	Texas	55	15.8%
2	California	45	12.9%
3	Michigan	25	7.2%
4	Louisiana	20	5.7%
5	Georgia	17	4.9%
5	North Carolina	17	4.9%
7	Washington	16	4.6%
8	Pennsylvania	13	3.7%
8	Tennessee	13	3.7%
10	Arizona	10	2.9%
10	Oklahoma	10	2.9%
12	Kansas	9	2.6%
12	Mississippi	9	2.6%
14	Indiana	8	2.3%
14	Missouri	8	2.3%
14	New York	8	2.3%
14	Virginia	8	2.3%
18	Colorado	6	1.7%
19	Arkansas	5	1.4%
19	Illinois*	5	1.4%
19	Kentucky	5	1.4%
22	South Carolina	4	1.1%
23	New Jersey	3	0.9%
23	Wisconsin	3	0.9%
25	Delaware	2	0.6%
25	Hawaii	2	0.6%
25	Maryland	2	0.6%
25	Massachusetts	2	0.6%
25	Montana	2	0.6%
25	New Mexico	2	0.6%
25	Ohio	2	0.6%
25	Oregon	2	0.6%
25	West Virginia	2	0.6%
34	Alabama	1	0.3%
34	Iowa	1	0.3%
34	Minnesota	1	0.3%
34	Nebraska	1	0.3%
34	Nevada	1	0.3%
34	North Dakota	1	0.3%
34	South Dakota	1	0.3%
41	Alaska	0	0.0%
41	Connecticut	0	0.0%
41	Idaho	0	0.0%
41	Maine	0	0.0%
41	New Hampshire	0	0.0%
41	Rhode Island	0	0.0%
41	Utah	0	0.0%
41	Vermont	0	0.0%
41	Wyoming	0	0.0%
NA	Florida	NA	NA
	District of Columbia	1	0.3%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 345 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Murders Involving Rifles
2.6% of Murders Nationally

Rank	*State*	*Percent*
1	North Dakota	11.1
2	Hawaii	9.5
2	Washington	9.5
4	South Dakota	9.1
5	Kansas	7.6
6	Montana	7.1
7	Mississippi	6.0
8	Delaware	4.9
9	Oklahoma	4.4
10	Texas	4.2
11	Louisiana	4.1
12	Michigan	4.0
13	Colorado	3.6
14	North Carolina	3.5
15	Georgia	3.1
16	Arizona	3.0
17	Arkansas	2.9
17	Iowa	2.9
17	Kentucky	2.9
20	Tennessee	2.8
21	Indiana	2.7
22	West Virginia	2.6
23	Nebraska	2.5
24	Oregon	2.4
25	California	2.3
25	Virginia	2.3
27	Missouri	2.1
27	Wisconsin	2.1
29	Pennsylvania	2.0
30	Minnesota	1.4
30	New Mexico	1.4
30	South Carolina	1.4
33	Massachusetts	1.2
34	Illinois*	1.0
34	New York	1.0
36	New Jersey	0.9
37	Nevada	0.6
38	Maryland	0.5
39	Ohio	0.4
40	Alabama	0.3
41	Alaska	0.0
41	Connecticut	0.0
41	Idaho	0.0
41	Maine	0.0
41	New Hampshire	0.0
41	Rhode Island	0.0
41	Utah	0.0
41	Vermont	0.0
41	Wyoming	0.0
NA	Florida	NA
	District of Columbia	0.7

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 346 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Shotgun Murders
418 Murders Nationally

Rank	*State*	*Murders*	*% of USA*
1	Texas	58	13.9%
2	California	49	11.7%
3	Alabama	32	7.7%
4	Tennessee	22	5.3%
5	North Carolina	20	4.8%
6	Georgia	19	4.5%
6	Michigan	19	4.5%
8	Indiana	14	3.3%
9	New York	13	3.1%
10	South Carolina	12	2.9%
11	Louisiana	11	2.6%
11	Missouri	11	2.6%
11	Pennsylvania	11	2.6%
14	Arizona	10	2.4%
14	Oregon	10	2.4%
16	Ohio	9	2.2%
16	Wisconsin	9	2.2%
18	Illinois*	8	1.9%
19	Virginia	7	1.7%
20	Colorado	6	1.4%
20	Kentucky	6	1.4%
20	Maryland	6	1.4%
20	Mississippi	6	1.4%
20	New Jersey	6	1.4%
25	Arkansas	5	1.2%
25	Montana	5	1.2%
25	Utah	5	1.2%
28	Oklahoma	4	1.0%
28	Washington	4	1.0%
30	Iowa	3	0.7%
30	Nevada	3	0.7%
30	New Mexico	3	0.7%
30	West Virginia	3	0.7%
34	Connecticut	2	0.5%
34	South Dakota	2	0.5%
36	Hawaii	1	0.2%
36	Massachusetts	1	0.2%
36	Minnesota	1	0.2%
36	North Dakota	1	0.2%
40	Alaska	0	0.0%
40	Delaware	0	0.0%
40	Idaho	0	0.0%
40	Kansas	0	0.0%
40	Maine	0	0.0%
40	Nebraska	0	0.0%
40	New Hampshire	0	0.0%
40	Rhode Island	0	0.0%
40	Vermont	0	0.0%
40	Wyoming	0	0.0%
NA	Florida	NA	NA
	District of Columbia	1	0.2%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 347 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Murders Involving Shotguns
3.1% of Murders Nationally

Rank	*State*	*Percent*
1	South Dakota	18.2%
2	Montana	17.9%
3	Utah	13.5%
4	Oregon	12.0%
5	North Dakota	11.1%
6	Alabama	10.1%
7	Iowa	8.8%
8	Wisconsin	6.3%
9	Hawaii	4.8%
9	Indiana	4.8%
9	Tennessee	4.8%
12	Texas	4.4%
13	North Carolina	4.2%
13	South Carolina	4.2%
15	Mississippi	4.0%
16	West Virginia	3.9%
17	Colorado	3.6%
18	Georgia	3.5%
18	Kentucky	3.5%
20	Arizona	3.0%
20	Michigan	3.0%
22	Arkansas	2.9%
22	Missouri	2.9%
24	California	2.5%
25	Washington	2.4%
26	Louisiana	2.3%
27	New Mexico	2.1%
28	Virginia	2.0%
29	Connecticut	1.9%
29	Nevada	1.9%
29	New Jersey	1.9%
32	Ohio	1.8%
32	Oklahoma	1.8%
34	Illinois*	1.7%
34	New York	1.7%
34	Pennsylvania	1.7%
37	Maryland	1.4%
37	Minnesota	1.4%
39	Massachusetts	0.6%
40	Alaska	0.0%
40	Delaware	0.0%
40	Idaho	0.0%
40	Kansas	0.0%
40	Maine	0.0%
40	Nebraska	0.0%
40	New Hampshire	0.0%
40	Rhode Island	0.0%
40	Vermont	0.0%
40	Wyoming	0.0%
NA	Florida	NA
	District of Columbia	0.7

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 348 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Knife/Cutting Instrument Murders
1,825 Murders Nationally

Rank	*State*	*Murders*	*% of USA*
1	California	291	15.9%
2	Texas	197	10.8%
3	New York	166	9.1%
4	Pennsylvania	66	3.6%
5	Arizona	61	3.3%
6	Maryland	58	3.2%
7	Georgia	56	3.1%
8	Ohio	52	2.8%
9	North Carolina	49	2.7%
10	Michigan	47	2.6%
11	Oklahoma	45	2.5%
11	Tennessee	45	2.5%
13	New Jersey	44	2.4%
14	Virginia	41	2.2%
15	Massachusetts	40	2.2%
15	Missouri	40	2.2%
17	Illinois*	39	2.1%
18	Washington	35	1.9%
19	Indiana	34	1.9%
20	Louisiana	32	1.8%
21	Alabama	29	1.6%
22	South Carolina	28	1.5%
23	Nevada	25	1.4%
24	New Mexico	24	1.3%
25	Colorado	23	1.3%
26	Kentucky	22	1.2%
26	Mississippi	22	1.2%
26	Wisconsin	22	1.2%
29	Arkansas	21	1.2%
29	Oregon	21	1.2%
31	West Virginia	19	1.0%
32	Connecticut	17	0.9%
33	Kansas	14	0.8%
33	Minnesota	14	0.8%
35	Iowa	8	0.4%
35	Nebraska	8	0.4%
35	Utah	8	0.4%
38	Delaware	6	0.3%
38	Maine	6	0.3%
38	Rhode Island	6	0.3%
41	South Dakota	5	0.3%
42	Alaska	4	0.2%
42	Montana	4	0.2%
42	Vermont	4	0.2%
45	Hawaii	3	0.2%
45	Idaho	3	0.2%
45	New Hampshire	3	0.2%
48	Wyoming	1	0.1%
49	North Dakota	0	0.0%
NA	Florida	NA	NA
	District of Columbia	17	0.9%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 349 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Hands, Fists, Feet Murders
801 Murders Nationally

Rank	*State*	*Murders*	*% of USA*
1	Texas	113	14.1%
2	California	107	13.4%
3	Ohio	44	5.5%
4	North Carolina	32	4.0%
5	Oklahoma	30	3.7%
6	Michigan	29	3.6%
6	Tennessee	29	3.6%
8	Pennsylvania	24	3.0%
9	New York	23	2.9%
10	Virginia	22	2.7%
11	Alabama	20	2.5%
11	Colorado	20	2.5%
11	South Carolina	20	2.5%
14	New Jersey	19	2.4%
14	Washington	19	2.4%
16	Maryland	18	2.2%
17	Arizona	17	2.1%
18	Louisiana	15	1.9%
18	Missouri	15	1.9%
20	Wisconsin	14	1.7%
21	Nevada	13	1.6%
21	New Mexico	13	1.6%
23	Georgia	12	1.5%
23	Minnesota	12	1.5%
25	Indiana	10	1.2%
26	Iowa	9	1.1%
26	Kentucky	9	1.1%
26	Mississippi	9	1.1%
29	Kansas	8	1.0%
30	Massachusetts	7	0.9%
31	Connecticut	6	0.7%
31	Hawaii	6	0.7%
31	Illinois*	6	0.7%
31	West Virginia	6	0.7%
35	Arkansas	5	0.6%
35	Idaho	5	0.6%
35	Nebraska	5	0.6%
38	Delaware	3	0.4%
38	Maine	3	0.4%
38	Montana	3	0.4%
38	North Dakota	3	0.4%
42	Alaska	2	0.2%
42	Oregon	2	0.2%
42	Rhode Island	2	0.2%
42	Utah	2	0.2%
42	Vermont	2	0.2%
47	New Hampshire	1	0.1%
47	South Dakota	1	0.1%
47	Wyoming	1	0.1%
NA	Florida	NA	NA
	District of Columbia	5	0.6%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 351 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Robberies
408,217 Robberies Nationally

Rank	*State*	*Robberies*	*% of USA*
1	California	64,093	15.7%
2	Texas	38,035	9.3%
3	Florida	30,911	7.6%
4	New York	28,136	6.9%
5	Illinois	22,923	5.6%
6	Ohio	17,782	4.4%
7	Pennsylvania	17,514	4.3%
8	Georgia	14,603	3.6%
9	Michigan	12,330	3.0%
10	Maryland	12,007	2.9%
11	North Carolina	11,825	2.9%
12	New Jersey	11,639	2.9%
13	Tennessee	9,647	2.4%
14	Arizona	8,099	2.0%
15	Missouri	7,452	1.8%
16	Massachusetts	7,427	1.8%
17	Indiana	7,352	1.8%
18	Washington	6,699	1.6%
19	Alabama	6,259	1.5%
20	Virginia	6,257	1.5%
21	Louisiana	6,105	1.5%
22	Nevada	6,021	1.5%
23	South Carolina	5,735	1.4%
24	Wisconsin	4,850	1.2%
25	Connecticut	3,990	1.0%
26	Kentucky	3,629	0.9%
27	Minnesota	3,619	0.9%
28	Colorado	3,387	0.8%
29	Oklahoma	3,343	0.8%
30	Mississippi	2,965	0.7%
31	Arkansas	2,582	0.6%
32	Oregon	2,461	0.6%
33	New Mexico	1,870	0.5%
34	Kansas	1,786	0.4%
35	Delaware	1,671	0.4%
36	Utah	1,299	0.3%
37	Nebraska	1,219	0.3%
38	Iowa	1,195	0.3%
39	Hawaii	1,034	0.3%
40	West Virginia	917	0.2%
41	Rhode Island	786	0.2%
42	Alaska	655	0.2%
43	New Hampshire	455	0.1%
44	Maine	399	0.1%
45	Idaho	245	0.1%
46	Montana	216	0.1%
47	South Dakota	111	0.0%
47	Vermont	111	0.0%
49	North Dakota	105	0.0%
50	Wyoming	77	0.0%
	District of Columbia	4,389	1.1%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 359 (Kathleen O. Morgan et al. eds., 2011).

2009 Rate of Robbery
133.0 Robberies per 100,000 Population Nationally

Rank	*State*	*Rate*
1	Nevada	227.8
2	Maryland	210.7
3	Delaware	188.8
4	Illinois	177.6
5	California	173.4
6	Florida	166.7
7	Ohio	154.1
8	Texas	153.5
9	Tennessee	153.2
10	Georgia	148.6
11	New York	144
12	Pennsylvania	138.9
13	Louisiana	135.9
14	New Jersey	133.7
15	Alabama	132.9
16	North Carolina	126.1
17	South Carolina	125.7
18	Missouri	124.5
19	Michigan	123.7
20	Arizona	122.8
21	Indiana	114.5
22	Connecticut	113.4
23	Massachusetts	112.6
24	Washington	100.5
25	Mississippi	100.4
26	Alaska	93.8
27	New Mexico	93.1
28	Oklahoma	90.7
29	Arkansas	89.4
30	Wisconsin	85.8
31	Kentucky	84.1
32	Hawaii	79.8
33	Virginia	79.4
34	Rhode Island	74.6
35	Minnesota	68.7
36	Nebraska	67.8
37	Colorado	67.4
38	Oregon	64.3
39	Kansas	63.4
40	West Virginia	50.4
41	Utah	46.6
42	Iowa	39.7
43	New Hampshire	34.4
44	Maine	30.3
45	Montana	22.2
46	Vermont	17.9
47	North Dakota	16.2
48	Idaho	15.8
49	Wyoming	14.1
50	South Dakota	13.7
	District of Columbia	731.9

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 362 (Kathleen O. Morgan et al. eds., 2011).

2009 Robberies with Firearms
149,335 Robberies Nationally

Rank	*State*	*Robberies*	*% of USA*
1	California	19,820	13.3%
2	Texas	19,036	12.7%
3	Florida	13,668	9.2%
4	Georgia	7,582	5.1%
5	Pennsylvania	7,243	4.9%
6	Ohio	6,963	4.7%
7	Michigan	6,148	4.1%
8	North Carolina	6,130	4.1%
9	Tennessee	5,692	3.8%
10	Missouri	3,859	2.6%
11	Maryland	3,810	2.6%
12	Arizona	3,671	2.5%
13	New Jersey	3,598	2.4%
14	Indiana	3,434	2.3%
15	Louisiana	3,217	2.2%
16	Virginia	3,107	2.1%
17	South Carolina	3,058	2.0%
18	New York	2,797	1.9%
19	Wisconsin	2,565	1.7%
20	Nevada	2,286	1.5%
21	Massachusetts	1,756	1.2%
22	Washington	1,713	1.1%
23	Oklahoma	1,580	1.1%
24	Kentucky	1,523	1.0%
25	Connecticut	1,445	1.0%
26	Alabama	1,384	0.9%
27	Mississippi	1,329	0.9%
28	Arkansas	1,211	0.8%
29	Colorado	1,190	0.8%
30	Minnesota	1,120	0.7%
31	Kansas	763	0.5%
32	New Mexico	756	0.5%
33	Delaware	755	0.5%
34	Nebraska	588	0.4%
35	Oregon	554	0.4%
36	Utah	413	0.3%
37	Iowa	322	0.2%
38	Rhode Island	229	0.2%
39	West Virginia	188	0.1%
40	Alaska	169	0.1%
41	Hawaii	110	0.1%
42	Idaho	101	0.1%
43	New Hampshire	85	0.1%
44	Maine	77	0.1%
45	Montana	52	0.0%
46	Vermont	36	0.0%
47	Wyoming	32	0.0%
48	North Dakota	24	0.0%
48	South Dakota	24	0.0%
NA	Illinois	NA	NA
	District of Columbia	1,860	1.2%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 364 (Kathleen O. Morgan et al. eds., 2011).

2009 Rate of Robbery with Firearms
55.9 Robberies per 100,000 Population Nationally

Rank	*State*	*Rate*
1	Georgia	95.9
2	Tennessee	92.7
3	Nevada	88.1
4	Delaware	85.4
5	Louisiana	83.7
6	Texas	77.1
7	Maryland	75.7
8	Florida	73.8
9	North Carolina	73.5
9	Ohio	73.5
11	South Carolina	71.8
12	Mississippi	71.4
13	Missouri	69.0
14	Indiana	64.1
15	Michigan	63.2
16	Pennsylvania	62.2
17	Arizona	56.7
18	California	53.9
19	Alabama	48.5
20	Wisconsin	46.3
21	Arkansas	46.0
22	Kansas	45.3
23	Oklahoma	44.7
24	New Mexico	44.4
25	New Jersey	41.9
26	Connecticut	41.1
27	Virginia	40.4
28	Kentucky	37.7
29	Nebraska	36.4
30	Massachusetts	29.4
31	Washington	27.6
32	New York	26.0
33	Colorado	24.7
34	Alaska	24.5
35	Minnesota	22.1
36	Rhode Island	21.7
37	Utah	15.0
38	Oregon	14.7
39	West Virginia	14.1
40	Iowa	11.7
41	Hawaii	9.6
42	New Hampshire	7.3
43	Idaho	6.6
44	Vermont	5.9
44	Wyoming	5.9
46	Maine	5.8
47	Montana	5.4
48	North Dakota	3.9
49	South Dakota	3.4
NA	Illinois	NA
	District of Columbia	310.2

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 365 (Kathleen O. Morgan et al. eds., 2011).

2009 Aggravated Assaults with Firearms
146,773 Aggravated Assaults Nationally

Rank	*State*	*Assaults*	*% of USA*
1	Texas	17,516	11.9%
2	California	17,297	11.8%
3	Florida	15,015	10.2%
4	Tennessee	9,154	6.2%
5	Michigan	8,251	5.6%
6	North Carolina	6,110	4.2%
7	Missouri	5,789	3.9%
8	South Carolina	5,685	3.9%
9	Georgia	5,186	3.5%
10	Pennsylvania	4,851	3.3%
11	Louisiana	4,308	2.9%
12	Arizona	4,053	2.8%
13	Ohio	3,510	2.4%
14	Arkansas	2,515	1.7%
15	Oklahoma	2,449	1.7%
16	New York	2,276	1.6%
17	Colorado	2,059	1.4%
18	New Jersey	1,969	1.3%
19	Massachusetts	1,940	1.3%
20	Wisconsin	1,900	1.3%
21	Maryland	1,838	1.3%
22	Kansas	1,820	1.2%
23	Virginia	1,819	1.2%
24	Indiana	1,723	1.2%
25	Washington	1,719	1.2%
26	Nevada	1,707	1.2%
27	Alabama	1,609	1.1%
28	New Mexico	1,596	1.1%
29	Minnesota	1,175	0.8%
30	Kentucky	1,017	0.7%
31	Delaware	843	0.6%
32	Mississippi	822	0.6%
33	Connecticut	772	0.5%
34	West Virginia	762	0.5%
35	Oregon	613	0.4%
36	Alaska	540	0.4%
37	Utah	537	0.4%
38	Iowa	508	0.3%
39	Nebraska	490	0.3%
40	Idaho	401	0.3%
41	Rhode Island	320	0.2%
42	Montana	297	0.2%
43	New Hampshire	191	0.1%
44	Hawaii	156	0.1%
45	South Dakota	109	0.1%
46	Wyoming	98	0.1%
47	Vermont	62	0.0%
48	Maine	32	0.0%
49	North Dakota	12	0.0%
NA	Illinois	NA	NA
	District of Columbia	728	0.5%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 379 (Kathleen O. Morgan et al. eds., 2011).

2009 Rate of Aggravated Assault with Firearms
55.0 Aggravated Assaults per 100,000 Population Nationally

Rank	*State*	*Rate*
1	Tennessee	149.1
2	South Carolina	133.6
3	Louisiana	112.0
4	Kansas	108.0
5	Missouri	103.6
6	Arkansas	95.5
7	Delaware	95.3
8	New Mexico	93.7
9	Michigan	84.8
10	Florida	81.1
11	Alaska	78.3
12	North Carolina	73.2
13	Texas	71.0
14	Oklahoma	69.4
15	Nevada	65.8
16	Georgia	65.6
17	Arizona	62.6
18	West Virginia	57.1
19	Alabama	56.4
20	California	47.1
21	Mississippi	44.1
22	Colorado	42.7
23	Pennsylvania	41.6
24	Ohio	37.0
25	Maryland	36.5
26	Wisconsin	34.3
27	Massachusetts	32.5
28	Indiana	32.2
29	Montana	30.8
30	Rhode Island	30.4
31	Nebraska	30.3
32	Washington	27.7
33	Idaho	26.3
34	Kentucky	25.2
35	Virginia	23.6
36	Minnesota	23.2
37	New Jersey	22.9
38	Connecticut	21.9
39	New York	21.2
40	Utah	19.5
41	Iowa	18.5
42	Wyoming	18.2
43	New Hampshire	16.5
44	Oregon	16.3
45	South Dakota	15.4
46	Hawaii	13.6
47	Vermont	10.2
48	Maine	2.4
49	North Dakota	2.0
NA	Illinois	NA
	District of Columbia	121.4

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 380 (Kathleen O. Morgan et al. eds., 2011).

2009 Aggravated Assaults with Knives or Cutting Instruments
131,547 Aggravated Assaults Nationally

Rank	*State*	*Assaults*	*% of USA*
1	Texas	16,393	12.5%
2	California	16,058	12.2%
3	Florida	13,439	10.2%
4	Tennessee	6,018	4.6%
5	Michigan	5,964	4.5%
6	New York	4,995	3.8%
7	Massachusetts	4,408	3.4%
8	North Carolina	4,288	3.3%
9	South Carolina	3,908	3.0%
10	Georgia	3,714	2.8%
11	Pennsylvania	3,689	2.8%
12	Maryland	3,178	2.4%
13	New Jersey	3,095	2.4%
14	Ohio	2,934	2.2%
15	Arizona	2,737	2.1%
16	Louisiana	2,634	2.0%
17	Missouri	2,526	1.9%
18	Colorado	2,326	1.8%
19	Virginia	2,128	1.6%
20	Oklahoma	2,098	1.6%
21	Washington	2,023	1.5%
22	Nevada	2,009	1.5%
23	Arkansas	1,597	1.2%
24	Indiana	1,544	1.2%
25	Minnesota	1,420	1.1%
26	New Mexico	1,373	1.0%
27	Connecticut	1,215	0.9%
28	Kansas	1,051	0.8%
29	Iowa	1,044	0.8%
30	Utah	1,039	0.8%
31	Oregon	976	0.7%
32	Alabama	924	0.7%
33	Kentucky	881	0.7%
34	Wisconsin	814	0.6%
35	Delaware	798	0.6%
36	Alaska	704	0.5%
37	West Virginia	598	0.5%
38	Mississippi	520	0.4%
39	Nebraska	493	0.4%
40	Idaho	469	0.4%
41	Hawaii	426	0.3%
42	Rhode Island	418	0.3%
43	New Hampshire	392	0.3%
44	South Dakota	307	0.2%
45	Montana	260	0.2%
46	Wyoming	179	0.1%
47	Maine	146	0.1%
48	Vermont	116	0.1%
49	North Dakota	79	0.1%
NA	Illinois	NA	NA
	District of Columbia	953	0.7%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 382 (Kathleen O. Morgan et al. eds., 2011).

2009 Rate of Aggravated Assault with Knives or Cutting Instruments
18.7% of Aggravated Assaults Nationally

Rank	*State*	*Percent*
1	South Dakota	35.5%
2	New Hampshire	34.1%
3	New York	29.7%
4	Utah	28.5%
5	Rhode Island	26.9%
6	Massachusetts	23.3%
7	Virginia	23.2%
8	Hawaii	22.5%
9	Delaware	22.3%
10	Maryland	22.2%
10	Texas	22.2%
12	New Jersey	22.1%
13	Alaska	22.0%
14	Colorado	21.4%
15	Connecticut	21.1%
16	Vermont	20.7%
17	Tennessee	20.5%
18	North Carolina	20.4%
19	Kansas	20.1%
19	Ohio	20.1%
21	Minnesota	19.9%
22	Maine	18.8%
22	Michigan	18.8%
24	Wyoming	18.7%
25	West Virginia	18.5%
26	Oregon	18.4%
27	Mississippi	18.1%
28	South Carolina	18.0%
29	Georgia	17.9%
30	Nevada	17.8%
31	Florida	17.7%
32	Iowa	17.5%
33	Idaho	17.4%
34	Arizona	17.1%
35	Washington	16.9%
36	New Mexico	16.8%
37	Oklahoma	16.5%
38	California	16.2%
39	Nebraska	16.1%
40	Arkansas	15.7%
41	Kentucky	15.6%
42	Louisiana	15.5%
43	Pennsylvania	15.0%
44	Indiana	14.0%
45	Alabama	13.7%
46	Montana	13.6%
47	Missouri	13.2%
48	Wisconsin	9.9%
49	North Dakota	8.5%
NA	Illinois	NA
	District of Columbia	28.1

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 383 (Kathleen O. Morgan et al. eds., 2011).

2009 Aggravated Assaults with Blunt Objects and Other Dangerous Weapons
234,973 Aggravated Assaults Nationally

Rank	*State*	*Assaults*	*% of USA*
1	California	35,325	15.0%
2	Florida	29,167	12.4%
3	Texas	26,622	11.3%
4	Michigan	11,390	4.8%
5	Tennessee	11,015	4.7%
6	Massachusetts	9,715	4.1%
7	Pennsylvania	6,181	2.6%
8	South Carolina	5,988	2.5%
9	North Carolina	5,816	2.5%
10	Nevada	5,680	2.4%
11	Georgia	5,578	2.4%
12	Arizona	5,054	2.2%
13	Missouri	5,020	2.1%
14	Maryland	4,986	2.1%
15	New York	4,859	2.1%
16	Oklahoma	4,583	2.0%
17	Ohio	4,525	1.9%
18	New Jersey	4,476	1.9%
19	Louisiana	4,409	1.9%
20	Washington	3,843	1.6%
21	Indiana	3,448	1.5%
22	Virginia	3,127	1.3%
23	Colorado	3,011	1.3%
24	Kentucky	2,350	1.0%
25	New Mexico	2,347	1.0%
26	Arkansas	2,169	0.9%
27	Connecticut	2,079	0.9%
28	Minnesota	2,037	0.9%
29	Oregon	1,925	0.8%
30	Alabama	1,635	0.7%
31	Delaware	1,564	0.7%
32	Wisconsin	1,518	0.6%
33	Kansas	1,393	0.6%
34	Iowa	1,306	0.6%
35	Nebraska	1,298	0.6%
36	Utah	1,199	0.5%
37	Idaho	1,032	0.4%
38	Alaska	855	0.4%
39	West Virginia	849	0.4%
40	Mississippi	840	0.4%
41	Hawaii	648	0.3%
42	Rhode Island	605	0.3%
43	Montana	580	0.2%
44	New Hampshire	306	0.1%
45	Wyoming	270	0.1%
46	South Dakota	264	0.1%
47	Maine	240	0.1%
48	North Dakota	151	0.1%
49	Vermont	120	0.1%
NA	Illinois	NA	NA
	District of Columbia	1,256	0.5%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 384 (Kathleen O. Morgan et al. eds., 2011).

2009 Aggravated Assaults with Hands, Fists, or Feet
188,668 Aggravated Assaults Nationally

Rank	*State*	*Assaults*	*% of USA*
1	California	30,524	16.2%
2	Florida	18,402	9.8%
3	Texas	13,292	7.0%
4	Pennsylvania	9,941	5.3%
5	Georgia	6,248	3.3%
6	Michigan	6,143	3.3%
7	South Carolina	6,101	3.2%
8	Missouri	5,757	3.1%
9	Louisiana	5,612	3.0%
10	North Carolina	4,811	2.5%
11	New York	4,671	2.5%
12	New Jersey	4,480	2.4%
13	Washington	4,386	2.3%
14	Maryland	4,341	2.3%
15	Indiana	4,312	2.3%
16	Arizona	4,123	2.2%
17	Wisconsin	3,974	2.1%
18	Arkansas	3,885	2.1%
19	Ohio	3,623	1.9%
20	Oklahoma	3,614	1.9%
21	Colorado	3,461	1.8%
22	Tennessee	3,203	1.7%
23	Iowa	3,120	1.7%
24	New Mexico	2,852	1.5%
25	Massachusetts	2,832	1.5%
26	Alabama	2,601	1.4%
27	Minnesota	2,506	1.3%
28	Virginia	2,113	1.1%
29	Nevada	1,859	1.0%
30	Oregon	1,776	0.9%
31	Connecticut	1,694	0.9%
32	Kentucky	1,393	0.7%
33	Alaska	1,095	0.6%
34	West Virginia	1,030	0.5%
35	Kansas	972	0.5%
36	Utah	873	0.5%
37	Idaho	793	0.4%
38	Montana	778	0.4%
49	Nebraska	773	0.4%
40	Mississippi	691	0.4%
41	North Dakota	689	0.4%
42	Hawaii	667	0.4%
43	Wyoming	409	0.2%
44	Delaware	375	0.2%
45	Maine	360	0.2%
46	New Hampshire	262	0.1%
46	Vermont	262	0.1%
48	Rhode Island	213	0.1%
49	South Dakota	185	0.1%
NA	Illinois	NA	NA
	District of Columbia	451	0.2%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 386 (Kathleen O. Morgan et al. eds., 2011).

2009 Violent Crimes at Universities or Colleges
2,674 Violent Crimes Nationally

Rank	*State*	*Violent crimes*	*% of USA*
1	California	379	14.2%
2	Texas	207	7.7%
3	Massachusetts	182	6.8%
4	Georgia	137	5.1%
5	Pennsylvania	112	4.2%
6	Florida	108	4.0%
7	Virginia	103	3.9%
8	Maryland	93	3.5%
9	North Carolina	91	3.4%
10	Arizona	86	3.2%
11	Louisiana	85	3.2%
12	Ohio	84	3.1%
13	New Jersey	83	3.1%
14	Michigan	75	2.8%
15	New York	72	2.7%
16	Missouri	68	2.5%
17	Tennessee	65	2.4%
18	South Carolina	60	2.2%
19	Indiana	54	2.0%
20	West Virginia	52	1.9%
21	New Mexico	50	1.9%
22	Kentucky	49	1.8%
23	Alabama	48	1.8%
24	Arkansas	46	1.7%
25	Colorado	45	1.7%
26	Washington	39	1.5%
27	Oklahoma	26	1.0%
27	Wisconsin	26	1.0%
29	Connecticut	21	0.8%
30	Mississippi	19	0.7%
31	Iowa	18	0.7%
32	Delaware	15	0.6%
33	Kansas	14	0.5%
33	Utah	14	0.5%
35	Nevada	9	0.3%
36	New Hampshire	8	0.3%
37	North Dakota	6	0.2%
38	Montana	5	0.2%
38	Rhode Island	5	0.2%
40	Alaska	4	0.1%
40	Maine	4	0.1%
40	Nebraska	4	0.1%
43	Vermont	3	0.1%
44	South Dakota	0	0.0%
44	Wyoming	0	0.0%
NA	Hawaii	NA	NA
NA	Idaho	NA	NA
NA	Illinois	NA	NA
NA	Minnesota	NA	NA
NA	Oregon	NA	NA
	District of Columbia	NA	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 472 (Kathleen O. Morgan et al. eds., 2011).

2009 Violent Crime Rate at Universities or Colleges
39.5 Violent Crimes per 100,000 Enrollment Nationally

Rank	*State*	*Rate*
1	New Mexico	105.7
2	West Virginia	93.9
3	Maryland	78.6
4	Louisiana	72.9
5	Massachusetts	69.2
6	Arkansas	66.3
7	Delaware	62.4
8	New York	62.1
9	Pennsylvania	54.6
10	South Carolina	54.0
11	New Hampshire	53.7
12	Georgia	53.1
13	Arizona	48.7
14	Missouri	45.9
15	Connecticut	45.6
16	New Jersey	45.0
17	Indiana	42.9
18	Alabama	42.8
19	North Carolina	41.6
20	Kentucky	41.1
21	California	39.8
22	Mississippi	38.6
23	Virginia	37.5
24	Washington	36.9
25	Tennessee	36.5
26	Florida	31.8
27	Colorado	30.0
28	Ohio	27.1
29	Texas	27.0
30	Iowa	26.1
31	Vermont	23.4
32	Oklahoma	23.3
33	Kansas	22.7
34	Michigan	22.1
35	Nevada	21.9
36	North Dakota	20.9
37	Rhode Island	20.6
38	Montana	19.1
39	Maine	16.7
39	Wisconsin	16.7
41	Alaska	15.9
42	Nebraska	13.3
43	Utah	10.4
44	South Dakota	0.0
44	Wyoming	0.0
NA	Hawaii	NA
NA	Idaho	NA
NA	Illinois	NA
NA	Minnesota	NA
NA	Oregon	NA
	District of Columbia	NA

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2009, *in* Crime State Rankings 2011: Crime Across America 473 (Kathleen O. Morgan et al. eds., 2011).

2005-2009 Percent Change in Murders
9.0% Decrease Nationally

Rank	*State*	*Percent Change*
1	Montana	55.6
2	Maine	36.8
3	Oklahoma	21.9
4	New Mexico	21.5
5	Kansas	17.8
5	Louisiana	17.8
7	South Dakota	16.7
8	Florida	15.2
9	Delaware	10.8
10	Tennessee	7.0
11	Oregon	6.3
12	West Virginia	2.4
13	Connecticut	1.9
14	Colorado	1.2
15	Georgia	0.4
15	Illinois*	0.4
17	Michigan	(0.3)
18	Massachusetts	(3.4)
19	Missouri	(4.7)
20	Arkansas	(5.3)
21	Texas	(5.6)
22	Kentucky	(6.3)
23	Wyoming	(7.1)
24	Hawaii	(8.3)
25	South Carolina	(8.6)
26	Rhode Island	(8.8)
27	Nebraska	(9.1)
28	New York	(11.0)
29	Mississippi	(11.2)
30	Ohio	(12.0)
31	Vermont	(12.5)
32	Pennsylvania	(12.6)
33	Washington	(12.7)
34	Indiana	(12.9)
35	Alabama	(13.6)
36	Iowa	(15.0)
37	North Carolina	(15.6)
38	North Dakota	(16.7)
39	Arizona	(20.4)
40	Maryland	(20.7)
41	California	(21.2)
42	New Jersey	(23.5)
43	Nevada	(23.8)
44	Virginia	(24.2)
45	Wisconsin	(30.1)
46	Alaska	(31.3)
47	Utah	(33.9)
48	Minnesota	(35.7)
49	Idaho	(37.1)
50	New Hampshire	(47.4)
	District of Columbia	(26.2)

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Crime in the United States 2006, *in* Crime State Rankings 2011: Crime Across America 487 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Hate Crimes
7,789 Hate Crimes Nationally

Rank	*State*	*Violent Crimes*	*% of USA*
1	California	1,285	16.5%
2	New York	648	8.3%
3	New Jersey	549	7.0%
4	Michigan	409	5.3%
5	Massachusetts	382	4.9%
6	Ohio	342	4.4%
7	Arizona	274	3.5%
8	Washington	272	3.5%
9	Colorado	269	3.5%
10	Connecticut	222	2.9%
11	Minnesota	189	2.4%
12	Tennessee	185	2.4%
12	Texas	185	2.4%
14	Illinois*	178	2.3%
15	Kentucky	176	2.3%
16	Virginia	170	2.2%
17	Missouri	167	2.1%
17	Oregon	167	2.1%
19	Florida	147	1.9%
20	South Carolina	146	1.9%
21	Kansas	143	1.8%
22	North Carolina	125	1.6%
23	Maryland	107	1.4%
24	Arkansas	85	1.1%
25	Nebraska	82	1.1%
26	Indiana	68	0.9%
26	Oklahoma	68	0.9%
28	Nevada	64	0.8%
29	Wisconsin	61	0.8%
30	South Dakota	58	0.7%
31	Maine	56	0.7%
32	Utah	54	0.7%
33	Pennsylvania	53	0.7%
34	Delaware	44	0.6%
35	Idaho	42	0.5%
36	Rhode Island	38	0.5%
37	Montana	31	0.4%
38	Vermont	28	0.4%
39	New Hampshire	27	0.3%
39	West Virginia	27	0.3%
41	Louisiana	21	0.3%
42	Iowa	19	0.2%
43	New Mexico	18	0.2%
44	Wyoming	17	0.2%
45	North Dakota	14	0.2%
46	Alaska	12	0.2%
46	Georgia	12	0.2%
48	Alabama	10	0.1%
49	Mississippi	2	0.0%
NA	Hawaii	NA	NA
	District of Columbia	41	0.5%

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Hate Crime Statistics, 2009, *in* Crime State Rankings 2011: Crime Across America 518 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2009 Hate Crimes per 100,000 Population
2.8 Violent Crimes per 100,000 Population Nationally

Rank	*State*	*Rate*
1	South Dakota	8.0
2	Minnesota	7.4
3	Oregon	7.0
4	Kansas	6.5
5	Connecticut	6.3
5	New Jersey	6.3
7	Massachusetts	6.0
8	Kentucky	5.5
9	Colorado	5.4
9	Nebraska	5.4
11	Delaware	5.0
12	Vermont	4.6
13	Arizona	4.2
13	Maine	4.2
13	Michigan	4.2
16	Alaska	4.1
16	Washington	4.1
18	Ohio	3.6
18	Rhode Island	3.6
20	California	3.5
20	New York	3.5
22	Montana	3.2
22	South Carolina	3.2
22	Wyoming	3.2
25	Arkansas	3.1
26	Tennessee	2.9
27	Missouri	2.8
27	Nevada	2.8
29	Idaho	2.7
30	New Hampshire	2.3
30	North Dakota	2.3
32	Virginia	2.2
33	Illinois*	2.1
34	Utah	2.0
35	Maryland	1.9
36	Indiana	1.8
36	Oklahoma	1.8
38	New Mexico	1.6
38	West Virginia	1.6
40	North Carolina	1.3
41	Wisconsin	1.1
42	Florida	0.8
42	Louisiana	0.8
44	Texas	0.7
45	Iowa	0.6
46	Pennsylvania	0.4
47	Alabama	0.3
48	Georgia	0.2
48	Mississippi	0.2
NA	Hawaii	NA
	District of Columbia	6.8

Source: Fed. Bureau of Investigation, U.S. Dep't of Justice, Hate Crime Statistics, 2009, *in* Crime State Rankings 2011: Crime Across America 519 (Kathleen O. Morgan et al. eds., 2011).

*Illinois statistic reflects only Chicago and Rockford.

2011 Population
National Total = 311,591,917

Rank	*State*	*Population*	*% of USA*
1	California	37,691,912	11.9%
2	Texas	25,674,681	8.0%
3	New York	19,465,197	6.2%
4	Florida	19,057,542	6.0%
5	Illinois	12,869,257	4.1%
6	Pennsylvania	12,742,886	4.1%
7	Ohio	11,544,951	3.7%
8	Michigan	9,876,187	3.2%
9	Georgia	9,815,210	3.1%
10	North Carolina	9,656,401	3.1%
11	New Jersey	8,821,155	2.8%
12	Virginia	8,096,604	2.6%
13	Washington	6,830,038	2.2%
14	Massachusetts	6,587,536	2.0%
15	Indiana	6,516,922	2.1%
16	Arizona	6,482,505	2.0%
17	Tennessee	6,403,353	2.0%
18	Missouri	6,010,688	1.9%
19	Maryland	5,828,289	1.9%
20	Wisconsin	5,711,767	1.8%
21	Minnesota	5,344,861	1.7%
22	Colorado	5,116,769	1.6%
23	Alabama	4,802,740	1.5%
24	South Carolina	4,679,230	1.5%
25	Louisiana	4,574,836	1.5%
26	Kentucky	4,369,356	1.4%
27	Oregon	3,871,859	1.2%
28	Oklahoma	3,791,508	1.2%
29	Connecticut	3,580,709	1.1%
30	Iowa	3,062,309	1.0%
31	Mississippi	2,978,512	1.0%
32	Arkansas	2,937,979	0.9%
33	Kansas	2,871,238	0.9%
34	Utah	2,817,222	0.9%
35	Nevada	2,723,322	0.9%
36	New Mexico	2,082,224	0.7%
37	West Virginia	1,855,364	0.6%
38	Nebraska	1,842,641	0.6%
39	Idaho	1,584,985	0.5%
40	Hawaii	1,374,810	0.4%
41	Maine	1,328,188	0.4%
42	New Hampshire	1,318,194	0.4%
43	Rhode Island	1,051,302	0.3%
44	Montana	998,199	0.3%
45	Delaware	907,135	0.3%
46	South Dakota	824,082	0.3%
47	Alaska	722,718	0.2%
48	North Dakota	683,932	0.2%
49	Vermont	626,431	0.2%
50	Wyoming	568,158	0.2%
	District of Columbia	617,996	0.2%

Source: 2011 Population Estimates, U.S. Census Bureau, http://www.census.gov/popest/index.html, Updated from Crime State Rankings 2011: Crime Across America 529 (Kathleen O. Morgan et al. eds., 2011)