



# **Commission Against Gun Violence Proposed Recommendations**

**1 December 2018**

## **EXECUTIVE SUMMARY**

Mayor Sylvester Turner established the Commission Against Gun Violence on May 23, 2018 following the tragedies in Parkland, Florida and Santa Fe, Texas, and in recognition of the wider gun violence epidemic tearing across our nation. The Mayor charged the Commission with submitting a second set of recommendations for review prior to the convening of the Texas State Legislative Session, no later than December 1, 2018. This set of recommendations touches on a wide-array of topics but mainly centers on legislative proposals and obtaining increased funding for violence-prevention programs and campaigns. The proposals contained within this document are in accordance with the Mayor's charge and follow substantial research conducted by the various sub-committees, as well as public testimony and comment.

The Chair divided the Commission into seven sub-committees: School Safety; Community Safety; Firearms Safety and Access; Domestic Violence and Sexual Assault; Community-Based Prevention, Intervention, and Reintegration; and, Gun Violence as a Public Health Issue. These sub-committees cross-coordinated to gather, review, and submit initial recommendations in the following areas:

1. School Safety
2. Firearms Safety and Access
3. Community Safety
4. Public Health

The Commission would like to thank the local universities, independent school districts, law enforcement officials, faith-based organizations, student and parent outreach groups, concerned gun owners and dealers, and other community organizations who offered their testimony and feedback to the Commissioners.

### **Haley Carter, Commission Chair**

#### **Honorary Chairs:**

Rev. William Lawson

Rabbi Samuel Karff

Archbishop Joseph Fiorenza

#### **Sub-Committee Chairs:**

Andrew Yoo

Cornelius Blackshear

Marcel McClinton

Dan Snare

Sonia Corrales

Abdul Haleem Muhammad, PhD

David Persse, MD

School Safety

Community Safety

Student Sub-Committee

Firearms Safety & Access

Domestic Violence & Sexual Assault

Community-Based Prevention, Intervention, & Reintegration

Gun Violence as a Public Health Issue

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# SCHOOL SAFETY RECOMMENDATIONS

## Implementation of Standard Response Protocol Measures

**Brief summary of recommendation:** Recommend that the City of Houston petition TEA to mandate standardized response protocol measures (as a part of their required Multi-Hazard Emergency Operations Plan). Implementing a standard response protocol with standardized vocabulary and concepts that will aide in allowing law enforcement, school faculty, and first responders in communicating during crisis response times. Training with the same language across the board will prove helpful for all responders at the scene of an incident. For example, clear directions over the school’s PA system during an emergency response situation to: “Lockdown”, “Lockout”, and “Hold.” These standardized words will clear any confusion and help in lowering response times of the students and faculty on campus. The recommendation should look to the Standard Response Protocol (SRPs) adopted by the Texas School Safety Center, Clear Creek ISD and I Love U Guys Foundation.

**Submitting Sub-Committee:** School Safety

**Sub-Committee Chair contact information:** Andrew Yoo

**Potentially impacted City departments:** School Boards, Local Law Enforcement Officials, First Responders, Faculty and Staffers.

**Statutory reference (if applicable):**

School districts are required by Texas Education Code 37.108 to adopt and implement a multi-hazard emergency operations plan for use in district facilities, that addresses mitigation, preparedness, response and recovery; that provides for district employee training in responding to an emergency; provides for drills and exercises as mandated by the plan; measures to ensure coordination with state and local response agencies as well as the implementation of safety and security audits.

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

The Standard Response Protocol is based not on individual scenarios but on the response to any given scenario. SRP’s demand a specific vocabulary but also allows for flexibility. There are four specific actions that can be performed during an incident:

1. **Lockout** is followed by: "Get Inside. Lock outside doors" and is the protocol used to safeguard students and staff within the building.<sup>1</sup>
2. **Lockdown** is followed by "Locks, Lights, Out of Sight" and is the protocol used to secure individual rooms and keep students quiet and in place.

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<sup>1</sup> From The Standard Response Protocol Toolkit - <https://txssc.txstate.edu/tools/srp-toolkit/about>

3. **Evacuate** is always followed by a location and is used to move students and staff from one location to a different location in or out of the building.
4. **Shelter** is always followed by the hazard and a safety strategy and is the protocol for group and self-protection.

When communicating these actions, execution of the action is performed by active participants, including students, staff, teachers and first responders

**Potential partners:** CCISD, I Love U Guys Foundation, Texas School Safety Center, TEA.

**Potential opposition:** Various differing protocol procedures

**Estimated financial impact (if applicable):**

I Love U Guys Foundation is a free resource with informative training sessions provided regularly. See attached website.

**Supporting Documentation:**

- [https://iloveguys.org/srp\\_training.html](https://iloveguys.org/srp_training.html)
- <https://txssc.txstate.edu/tools/srp-toolkit/about>

## **Mandate for Active Shooter Training Drills for School Districts**

**Brief summary of recommendation:** Recommend that the City of Houston petition the Texas State Legislature and the Texas Education Agency that as a part of the currently required Tri-Annual Safety and Security Audit require standardized active shooter protocols are mandated. Such protocols will prove tremendously helpful in lowering miscommunication and response times between all responders. A recommendation requiring training for all school district security divisions to attend informative training sessions on Active Shooter Situations. Having coordinated training courses in conjunction with the local law enforcement authorities and first responders will aide in taking away the learning curve and response time when law enforcement authorities and school security personnel react to an active shooter crisis on school campuses.

**Submitting Sub-Committee:** School Safety

**Sub-Committee Chair contact information:** Andrew Yoo

**Potentially impacted City departments:** School Boards, Local Law Enforcement Officials, First Responders

**Statutory reference (if applicable):**

The Texas Education Code §37.108 states: “At least once every three years, each school district shall conduct a safety and security audit of the district’s facilities.

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

The standard of care is a concept that is argued in courtrooms requiring school districts to answer questions like:

1. Did you comply with federal & state recommendations?
2. Is your policy consistent with comparable schools?
3. Did you comply with your own stated policy?<sup>1</sup>

**Potential partners:** ALICE TRAINING Protocols, local law enforcement, school security departments, Texas School Safety Center.

**Potential opposition:** Allocation of resources to training of law enforcement and security divisions within an ISD.

**Estimated financial impact (if applicable):**

ALICE TRAINING is a free resource for response shooting protocols.

\$1.25M ALERRT Grant (Office of Governor Criminal Justice Division) for providing active shooter emergency response training.

**Supporting Documentation:**

- <https://www.alicetraining.com/our-program/alice-training/k12-education/>

## Active Shooter Building Codes

**Brief summary of recommendation:** Recommend that the City of Houston petition the Texas State Legislature to mandate the establishment of active shooter building codes and that Independent School Districts update their existing infrastructure in a manner that mitigates the threat of school shootings. School construction in many locations does not adequately address the very real threat of an active shooter on campus. Lack of door locks that do not require a key, glass walls around classroom and offices, lack of security cameras in key locations and lack of fully functional PA systems are indicators that regulation is needed.

All **new** school buildings should as a minimum standard have

- Doors that lock from the inside without a key and can be unlocked and opened from the inside without a key once locked. (cost neutral)

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<sup>1</sup> Alice Training’s Standard of Care: <https://www.alicetraining.com/our-program/alice-training/k12-education>

- No classrooms should utilize glass or other transparent material as a wall(s) for classrooms or administrative offices. This does not preclude having windows that must have blinds or curtains that block view when needed. (cost neutral)
- All classes must be held within a classroom or have a safe haven immediately nearby should danger arise. The only exception would be athletic functions held outdoors. (cost neutral)
- All school campuses must have a fully functional PA system, tested regularly, which reaches all classrooms and hallways which can be used to warn occupants of danger. (cost neutral)
- All campuses must have an Active Shooter medical kit available in the main office to include tourniquets, bandages and other supplies typically needed to treat major trauma. (approximately \$300 per school)
- All school campuses must have an adequate number of security cameras covering all entrances and hallways. The video feed should be readily available to the ISD Police Department and if there is no police department for the ISD, to the dispatch center of the local police department responsible for responding to an emergency. (cost neutral for most larger school districts)

**Submitting Sub-Committee:** School Safety

**Sub-Committee Chair contact information:** Andrew Yoo

**Potentially impacted City departments:** Permitting department(s)

**Statutory reference (if applicable):** NA

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

<https://esa.dc.gov/sites/default/files/dc/sites/esa/publication/attachments/Prevention%20Protocol%20-%20Fire%20and%20Life%20Safety%20Guidelines%20for%20Schools.pdf>

<https://www.wbdg.org/design-objectives/secure-safe/security-building-occupants-assets>

[https://store.schoolspecialty.com/OA\\_HTML/ibeCCTpItmDspRte.jsp?minisite=10206&item=12774202](https://store.schoolspecialty.com/OA_HTML/ibeCCTpItmDspRte.jsp?minisite=10206&item=12774202)

[https://www.amazon.com/School-Facility-Trauma-Visibility-Tourniquet/dp/B07BSSZM9B/ref=sr\\_1\\_10\\_a\\_it?ie=UTF8&qid=1535729274&sr=8-10&keywords=stop+the+bleed+kit](https://www.amazon.com/School-Facility-Trauma-Visibility-Tourniquet/dp/B07BSSZM9B/ref=sr_1_10_a_it?ie=UTF8&qid=1535729274&sr=8-10&keywords=stop+the+bleed+kit)

**The Sandy Hook Elementary School shooting demonstrates the dangers of relying on glass to protect students, faculty and staff members.**





**Potential partners:** Local ISD Police Departments

**Potential opposition:** ISD Administration and Architects due to cost factors

**Estimated financial impact (if applicable):** Dependent upon the level of infrastructure improvement required.

## **Independent School District Engagement as Culminating Evolution for Presentation of Commission Recommendations**

**Brief summary of recommendation:** Recommend that the City of Houston facilitates and coordinates a meeting between the Commission Against Gun Violence and school officials to present and discuss ways to implement proposed recommendations pertaining to School Safety.

To accommodate the large number of school districts in the Greater Houston Area, only the Superintendent and Board President of each respective Independent School District will be invited. If in the case, one or both members cannot attend, a member(s) of the board of trustees may replace them, however the maximum number of representatives from a school district are two.

The Superintendent and Board President may then take recommendations and propose them to the Board of Trustees and community to vote on and implement within their local school district.

Optimally, this meeting should take place in the beginning of 2019. The purpose is to continue the conversation on ending gun violence after the Commission's Adjournment and to thrust implementation of recommendations in schools in the Greater Houston Area. Format includes a one day seminar of panelists (all members of Commission Against Gun Violence, chairs of subcommittees in front), Audience includes invited members of Independent School Districts as well as community members and media.

The seminar should include moderated discussions between panelists and school officials over each section from the Recommendations in the School Safety round.

Example schedule below:

- 10:00am-10:15am Welcome/Introduction to Commission Against Gun Violence
  - Mayor of Houston: Sylvester Turner
  - Chair of Commission: Haley Carter
- 10:15am-11:30am Part 1: Recommendations on School Safety + Moderated Discussion Panel

- 11:30am-12:00pm Part 2: Recommendations on Firearms Safety and Access + Moderated Discussion Panel
- 12:00pm-12:30pm: Lunch/Break- 30 minutes
- 12:30pm-1:00pm Part 3: Recommendations on Community Safety + Moderated Discussion Panel
- 1:00pm-1:45pm Part 4: Recommendations on Sexual Assault & Domestic Violence + Moderated Discussion Panel
- 1:45pm-2:00pm Closing/How to Implement Pragmatically/Going Forward/Follow Up

**Submitting Sub-Committee:** School Safety

**Sub-Committee Chair contact information:** Andrew Yoo  
Subject Matter Expert: Wasiq Javid

**Potentially impacted City departments:** City Secretary, Department of Neighborhoods

**Statutory reference (if applicable):** N/A

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

**Invite List:**

*Within City Limits School Districts: 19*

- Aldine
- Alief
- Clear Creek
- Crosby
- Cypress Fairbanks
- Fort Bend
- Galena Park
- Houston
- Huffman
- Humble
- Katy
- Klein
- Lamar Consolidated
- New Caney
- North Forest
- Pasadena
- Sheldon
- Spring
- Spring Branch

*Outside of City Limits School Districts: 39*

- Alvin
- Anahuac
- Angleton
- Barbers Hill
- Brazosport
- Channelview
- Cleveland
- Hull-Daisetta
- Humble
- La Marque
- La Porte
- Liberty
- Columbia-Brazoria
- Conroe
- Danbury
- Dayton
- Deer Park
- Dickinson
- East Chambers
- Friendswood
- Galveston
- Goose Creek
- Hempstead
- High Island
- Hitchcock
- Magnolia
- Montgomery
- Needville
- Pearland
- Royal
- Santa Fe
- Splendora
- Stafford
- Sweeney
- Tarkington
- Texas City
- Tomball
- Waller
- Willis

*County:*

Brazoria  
Chambers  
Brazoria  
Chambers  
Brazoria  
Harris  
Liberty  
Liberty  
Harris  
Galveston  
Harris  
Liberty  
Brazoria  
Montgomery  
Brazoria  
Liberty  
Harris  
Galveston  
Chambers  
Galveston  
Galveston  
Chambers  
Waller  
Galveston  
Galveston  
Montgomery  
Montgomery  
Fort Bend  
Brazoria  
Waller  
Galveston  
Montgomery  
Fort Bend  
Brazoria  
Liberty  
Galveston  
Harris  
Waller  
San Jacinto

**Attendees:**

- 58 school districts, 2 representatives each = 116 attendees
- 37 members of Commission Against Gun Violence

- 5 Guests: Mayor, COH staff
- Community Members
- Media
- Total: Minimum 160

**Potential partners:** Independent School Districts, community-based non-profits, faith-based organizations, private educational programs, businesses

**Potential opposition:** N/A

**Estimated financial impact (if applicable):**

- Venue Location- stage/podium, seats/tables, microphone system, projector/screen
  - Community Center, School/University/City Hall/etc
- Sponsorship for lunch: minimum 160 attendees
  - Option A: Wraps (Meat/Veggie)- \$5, minimum total \$800
  - Option B: Members bring own money to pay for lunch
  - Option C: No lunch at all

**Coordinated Bi-Annual Meetings for all School Safety Stakeholders**

**Brief summary of recommendation:**

A recommendation for holding coordinated meetings with the idea of information sharing and problem shooting school safety issues. The subcommittee has discovered after research that various ISD’s and local law enforcement entities are in information silos. Upon implementation of school safety measures, predictably, there will be learning curves and measures that have been proven practical. Accordingly, promoting the information sharing through a coordinated meeting will allow all stakeholders and moving entities in regard to school safety to share their information efficiently and effectively amongst each other.

**Submitting Sub-Committee:** School Safety

**Sub-Committee Chair contact information:** Andrew Yoo

**Potentially impacted City departments:** School Boards, City Council, Community Liaisons, Local Law Enforcement Officials,

**Statutory reference (if applicable):**

Texas Education Code 37.108 (3) requires that district’s multi-hazard emergency operations plan provides for “measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, and fire departments in the event of an emergency.

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

Collaboration between school districts and local/regional/and state resources are necessary to ensure the development of high quality emergency operations plans which allow for effective prevention/mitigation, preparedness, response and recovery from incidents and emergencies. The Texas School Safety Center provides resources to support coordination efforts:

- Guidance for developing agreement measures with agencies
- High-Quality Emergency Operations Planning Toolkit

**Potential partners:** South Texas College of Law Houston Security Division, Greater Houston Area ISD Security Departments, Texas Education Agency, Texas School Safety Center, Crime Stoppers

**Potential opposition:** Securing funding for providing a physical onsite meeting place for the proposed meetings.

**Estimated financial impact (if applicable):**

Recommend that the City use existing resources such as Crime Stoppers existing training/presentation network to conduct the proposed meetings.

An option also exists to use City or State resources for the proposed meetings. A \$98.4M Student Support and Academic Enrichment Grant (USDE) is available – TEA works with school districts to prioritize \$62.1 million in new federal funding toward immediate school safety improvements and programs.

**Supporting Documentation:**

- <https://txssc.txstate.edu/tools/tde-toolkit/>
- <https://locker.txssc.txstate.edu/c73e1741ff38dc5da9eae599b7b7025d/54-Management-of-Informal-and-Formal-Agreements.pdf>

**Required Establishment of Threat Assessment Teams and Mental Health Counselors**

**Brief summary of recommendation:** Recommend that the City of Houston petition the Texas State Legislature to mandate that Independent School Districts develop threat assessment teams and mental health teams to help identify students that may pose a threat to themselves or others and to respond in times of crises. These teams will provide the appropriate intervention and communication plans. Behavioral threat assessment teams should be designed to evaluate and manage threats on and off campus. Coupled with mental health teams, these evaluations can aide in sorting out miscommunicated reports from true concerns as well as offers support and normalization to students in times of

tragedy. These teams also provide a process in helping intervene with a person who may be planning an act of violence.

**Submitting Sub-Committee:** School Safety, Gun Violence as a Public Health Issue

**Sub-Committee Chair contact information:** Andrew Yoo, David Persse, MD

**Potentially impacted City departments:** School Counselor Members, Mental Health Professionals, State Health Department

**Statutory reference (if applicable):** [Texas Health and Safety Code 161.325](#),

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

The school threat assessment model developed by US Department of Education provides a guide for school personnel, law enforcement professionals, mental health professional and community members on how to set up and operate school threat assessment teams.

**Potential partners:** Texas Education Agency, Local religious leaders, Nonprofit community groups, Local Health Departments, Mental Health Professionals. Texas Appleseed, Disability Rights Texas, TSU Earl Carl Institute, Child-serving advocacy groups within the Houston community, including Mental Health America of Greater Houston, Communities in Schools and Children at Risk.

**Potential opposition:** Texas Association of School Administrators (TASB) and Texas Association of School Administrators (TASA).

**Estimated financial impact (if applicable):**

\$5m – Pilot grants for innovative programs to increase school health and safety

**Supporting Documentation:**

- <https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf>

### **Allocate Funding to Facilitate Required Mental Health, Suicide Prevention and Trauma Informed Trainings by Educators.**

**Brief summary of recommendation:** Proposal for funding to existing and new hospital-based violence intervention programs. These programs involve a comprehensive approach that identifies patients at risk for repeat violent injury and links them with hospital- and community-based resources aimed at addressing underlying risk factors for violence.

**Submitting Sub-Committee:** Gun Violence as a Public Health Issue

**Sub-Committee Chair contact information:** David Persse, MD

**Potentially impacted City departments:** N/A

**Statutory reference (if applicable):** [Texas Health and Safety Code 161.325](#), [Texas Health And Safety Code 161.325](#)

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:** Supporting documents:

- Texas Education Agency on Mental Health and Suicide Prevention Training: [https://tea.texas.gov/About\\_TEA/Other\\_Services/Mental\\_Health/Suicide\\_Prevention/](https://tea.texas.gov/About_TEA/Other_Services/Mental_Health/Suicide_Prevention/)
- Texas Department on Health and Human Services: Texas Suicide Prevention Resources: <https://www.dshs.texas.gov/mhsa/suicide/Suicide-Prevention.aspx>
- List of Local Mental Health Authorities <http://dshs.texas.gov/mhsa/lmha-list/>

**Potential partners:** Child-serving advocacy groups within the Houston community, including Mental Health America of Greater Houston, Communities in Schools and Children at Risk, Texas Education Agency

**Potential opposition:** Texas Association of School Administrators (TASB) and Texas Association of School Administrators (TASA).

**Estimated financial impact (if applicable):** To be determined by the Mayor's Office of Government Affairs.

# FIREARMS SAFETY AND ACCESS RECOMMENDATIONS

## Institute Background Checks at Gun Shows Hosted Within City Limits

**Brief summary of recommendation:** The City of Houston can take steps to close the gun show loophole within the city limits that currently enables individuals to purchase firearms from private buyers without going through federal background check requirements at gun shows.

The background check loophole, aka “gun show loophole,” refers to the scenario that, barring any additional requirements, prohibited purchasers (including violent offenders) are able to avoid background checks at gun shows by purchasing guns from unlicensed sellers and private individuals. Private individuals is a loose term under the Firearm Owners Protection Act that includes any private seller who does not rely on gun sales as the primary means of income.

Pursuant to the Brady Act, if a vendor is a federally licensed firearm dealer (FFL), they are required to perform a background check prior to completing the sale of the firearm. However, unlicensed sellers (vendors and private individuals) are also permitted to sell firearms at gun shows.<sup>1</sup> As an unlicensed seller, that individual or vendor is not required to keep records of sales and is not required to perform background checks. Thus, an individual who would be prohibited from purchasing a gun under federal law, such as a felon or domestic abuser, is able to purchase a gun through an individual or unlicensed vendor.<sup>2</sup> It is estimated that 25-50% of gun show sales are from unlicensed or private individual sellers.<sup>3</sup> The guns used in the Columbine High School, 101 California Street, and 2010 Pentagon shooting were all purchased at gun shows through this loophole.

Presently, a private seller can rent table space and carry a “private sale” or other sign that indicates to purchasers that no paperwork, background check, or recordkeeping are required. Sometimes, individual sellers will simply walk around the grounds with a card, allowing others to approach them and simply perform a transaction without even the exchange of names.

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<sup>1</sup> If a supplier is selling from their private collection and the alleged objective is to not profit from a sale, then that seller is not “engaged in business” and is, therefore, not required to hold a license.

<sup>2</sup> The Brady Act has prevented over 1.3 million criminals and other banned individuals from purchasing guns. The law also serves as a deterrent for dangerous individuals who are prohibited from buying firearms from attempting to buy a gun.

<sup>3</sup> Office of the Inspector General, U.S. Department of Justice, *The Bureau of Alcohol, Tobacco, Firearms and Explosives’ Investigative Operations at Gun Shows* (June 2007) <http://www.justice.gov/oig/reports/ATF/e0707/final.pdf>; U.S. Department of Justice & Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, *Gun Shows: Brady Checks and Crime Gun Traces* 4-7 (Jan. 1999).



Despite overwhelming public support for universal background checks, Texas does not currently require background checks for firearms sold or traded at gun shows by private individuals or unlicensed vendors.

**The Commission recommends state legislative action to close this loophole, requiring universal background checks for any and all firearm sales and/or transactions in the state.** Eleven states and the District of Columbia now require universal background checks for all firearm sales at gun shows.<sup>1</sup> Four states require background checks on private sales by prohibiting transfers of firearms to purchasers without a state license or permit (background checks required to obtain the license or permit).<sup>2</sup> Six additional states require background checks or permits for all handgun sales at gun shows.<sup>3</sup> In Colorado, specifically, voters enacted their own amendment requiring background checks at gun shows following the mass shooting at Columbine High School, where the guns used to massacre school children had been purchased from private sellers at gun shows.

States that require background checks on all sales (including online and at gun shows) have 52% fewer mass shootings than states that do not require universal background checks.<sup>4</sup>

Gun shows lacking universal background check requirements also contribute to firearm trafficking. In 2010, *Mayors Against Illegal Guns* tied the lack of background check requirements at gun shows with interstate gun trafficking. The report found that compared to states that require universal background checks, states lacking background check requirements for all handgun sales at gun shows source guns used in crimes in other states at a rate over two and a half times more.<sup>5</sup>

Additionally, a Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) study reviewed over 1,500 ATF investigations and determined that approximately 26,000 firearms have been diverted from legal to illegal commerce at gun shows and that gun shows are a “major trafficking channel.”<sup>6</sup>

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<sup>1</sup> California, Colorado, Connecticut, Delaware, District of Columbia, Nevada (not currently enforced), New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington.

<sup>2</sup> Hawaii, Illinois, Massachusetts, and New Jersey.

<sup>3</sup> Iowa, Maryland, Michigan, Nebraska, North Carolina and Pennsylvania.

<sup>4</sup> Jelsen, Melissa. *Study Finds States with Background Checks Have Fewer Mass Shootings*. Huffington Post. November 12, 2015. [https://www.huffingtonpost.com/entry/background-checks-mass-shootings\\_us\\_5644aab1e4b045bf3dedebfd](https://www.huffingtonpost.com/entry/background-checks-mass-shootings_us_5644aab1e4b045bf3dedebfd).

<sup>5</sup> *Mayors Against Illegal Guns, Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* 14 (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>6</sup> Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers* xi, 1, 12 (June 2000), <http://everytown.org/wp-content/uploads/2014/08/Following-the-Gun-Enforcing-Federal-Laws-Against-Firearms-Traffickers.pdf>; <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-sales/gun-shows/>

What's more, in states that require background checks on all handgun sales there were significantly fewer firearm deaths:

- 47% fewer women were shot to death by their intimate partner;
- 47% fewer individuals committed suicide with a firearm;
- 53% fewer police officers shot and killed in the line of duty; and
- 48% fewer guns trafficked intrastate.<sup>1</sup>

Studies also show that states with fewer gun show regulations lead to more frequent use of "straw" purchases (someone purchasing a gun for someone else), increased numbers of armed attendees who will sell or trade guns, and an increased likelihood of sales of assault weapons and 50-caliber rifles.<sup>2</sup>

**In the absence of state action to address this issue, this Commission recommends the City of Houston, itself, take steps to close the loophole and ensure that those prohibited from purchasing firearms are not able to do so within the city limits. The following recommendations likely fall within the city's jurisdiction: 1) Event Contracts and 2) City Permitting.**

### **1. Event Contracts**

In states like Texas where there are no such requirements for background checks of private vendors, a venue lease or contract for an event may still require background checks prior to the transaction on that lessor's property. The Commission recommends that the city, through Houston First, modify their contracts and venue agreements to include such a requirement.

Local jurisdictions, such as Travis County, have already extended background check requirements to gun shows.<sup>3</sup> Leon County, which encompasses Tallahassee, Florida, has also recently passed an ordinance, requiring background checks on any and all gun sales at a location where the public is invited. Seven other counties in Florida have passed similar ordinances.

Ways this can be done:

- Requiring all vendors to be licensed;
- Requiring unlicensed vendors and individuals to go through a through party vendor, or licensed vendor, located on site to perform background checks prior to the transfer of any firearm;<sup>4</sup> or

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<sup>1</sup> The Background Check Loophole. *Evertown for Gun Safety*. April 21, 2018.

[https://everytownresearch.org/background-checks-loophole/#foot\\_note\\_3](https://everytownresearch.org/background-checks-loophole/#foot_note_3).

<sup>2</sup> Garen J. Wintemute, *Gun Shows Across a Multistate American Gun Market: Observational Evidence of the Effects of Regulatory Policies*, 13 *Inj. Prevention* 150, 154-55 (2007). Note that California bans assault weapons and 50 caliber rifles.

<sup>3</sup> Draft language for vendor contracts attached.

States include: , as well as the District of Columbia.

<sup>4</sup> The Bureau of Alcohol, Tobacco, Firearms & Explosives issued a guidance document in January 2013

- Limit the number of unlicensed vendors at gun shows *and* require that the unlicensed vendor perform a background check.

City owned venues have rules and regulations that lessors must abide by in leasing out space. The City can update the standards of guidelines and governing documents, like the George R. Brown “Rules and Regulations,” to include language that requires background checks for all sales on the premises. This can be incorporated under the current paragraph “Concealed and Open Carry Handguns.” Any venue that the City owns and leases out should incorporate such language in new contracts.

Houston First standard form contracts should also be modified to including language that requires background checks for all sales on the premises. This can be modified under the current “Rules and Regulations” paragraph attached to the contract, titled “Concealed and Open Carry Firearms,” which is incorporated into the License Agreement through paragraph 9 of the contract.

The proposed contract modifications would also create a record (Form 4473) of any and all sales. While law enforcement is generally prohibited from accessing those records, in the event of a crime, law enforcement is able to access those records and trace firearms used in crimes.

## **2. Permitting**

Houston could follow other cities, such as Omaha Nebraska, and enact or amend city ordinances to require certain safety conditions at gun show exhibitions.<sup>1</sup> Similar to other events, permitting through the Houston Fire Department or other relevant permitting entity could require firearms exhibitions to obtain a local permit with standards that all firearm sales and transfers be recorded, and background checks performed, prior to a transaction or exchange.

Additional enforcement oversight should also be considered at gun shows to ensure rules and regulations are being followed.<sup>2</sup>

### **Submitting Sub-Committee: Public Safety**

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laying out a streamlined procedure for licensed gun dealers to use in conducting background checks on behalf of unlicensed and individual firearms sellers.

<sup>1</sup> Omaha, Nebraska Municipal Code §§ 19-383 – 19-392.2. An Omaha municipal ordinance requires that any person promoting or sponsoring a firearms exhibition must first obtain a local permit. Applicants for such a permit must have a federal firearms dealer license. In addition to other requirements, the permit holder is required to record all firearms transferred or acquired, and keep those records for two (2) years.

<sup>2</sup> In a multi-state investigation, New York City found that 19 out of 30 private sellers were willing to complete firearms sales even when told that by the purchaser that they probably could not pass a background check. 16 out of 17 licensed dealers were also found to continue a sale for a “straw” purchaser on behalf of a prohibited buyers. See <https://everytownresearch.org/reports/gun-show-undercover/> for full report.

**Sub-Committee contact information:** Dan Snare  
Subject Matter Expert: Abbie Kamin

**Potentially impacted City departments:** HPD, HFD, Permitting, Houston First, City Attorney

**Statutory reference (if applicable):**

Texas does not require background checks on firearms purchasers if the seller is not a licensed vendor. However, Tex. Penal Code § 46.06(a) provides that it is a Class A misdemeanor (and state jail felony for Subsection (a)(2) if a seller/dealer:

- (1) sells, rents, leases, loans, or gives a handgun to any person knowing that the person to whom the handgun is to be delivered intends to use it unlawfully or in the commission of an unlawful act;
- (2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years of age any firearm, club, or location-restricted knife;
- (3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated;
- (4) knowingly sells a firearm or ammunition for a firearm to any person who has been convicted of a felony before the fifth anniversary of the later of the following dates:
  - (A) the person's release from confinement following conviction of the felony; or
  - (B) the person's release from supervision under community supervision, parole, or mandatory supervision following conviction of the felony;
- (5) sells, rents, leases, loans, or gives a handgun to any person knowing that an active protective order is directed to the person to whom the handgun is to be delivered; or
- (6) knowingly purchases, rents, leases, or receives as a loan or gift from another a handgun while an active protective order is directed to the actor.

*Also reviewed were rules pertaining to weapons on city property.*

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

We spoke with multiple individuals and groups, including gun owners and individuals who have participated at, or observed, gun shows; representatives from groups such as Moms Demand Action and Texas Gun Sense, including members who worked with Travis County on the new gun show contract requirements; law enforcement officials; and Houston First.

Research included reviewing resources from Everytown for Gun Safety, Giffords Law Center, FBI and ATF reports, among other materials.

The commission attempted to obtain relevant codes and ordinances currently on the books that pertain to this recommendation, however the Houston City Attorney's office refused to share relevant citations or references with us.

**Potential partners:** Licensed gun vendors, Harris County Commissioners Court, Law Enforcement, gun owners, community organizations, Texas Gun Sense, Moms Demand Action, and Everytown for Gun Safety.

**Potential opposition:** Gun purchasers, private individual sellers or small vendors that do not have federal licenses.

Opposition Arguments: Eliminating this loophole would only move purchasers seeking to avoid background checks either online or into their own homes. Others claim that gun show contractors will just move out of the city limits for gun shows. While the city may not be able to control online sales or one-on-one transfers that take place away from gun shows, the city *can* take meaningful action around things within its control. Even if gun shows take place in other areas outside of Houston, it will decrease the accessibility of those gun shows to would-be bad actors within the city limits.

It should be noted that three out of the five states that host the most gun shows have required universal background checks for gun show sales.<sup>1</sup>

**Estimated financial impact (if applicable):**

If the contracted party for gun shows in the City of Houston choose to no longer lease out venues from the city and move gun shows outside of the city limits. As referenced, supra, the fact that three out of the five states that host the most gun shows have universal background check requirements also indicates that not only do gun shows continue to occur in those jurisdictions, but there is a minimum impact on legitimate sales at gun shows.

**Example Language from Travis County Proposal**

15. Security. LICENSEE shall be solely responsible for providing a reasonable number of security personnel before, during, and after the Event to help maintain order, to regulate traffic control, and/or to provide any other security functions that LICENSOR, in its sole discretion, determines to be necessary, to be paid by LICENSEE in accordance with Exhibit "D". The parties acknowledge and agree that LICENSOR shall not be responsible for the actions and safety of LICENSEE or any of LICENSEE's guests, patrons, or anyone else coming upon the Center premises as a result of the Event, including without limitation protecting such persons from injury or death and protecting LICENSEE's property or the property of such other persons. LICENSEE shall also comply with the requirements for

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<sup>1</sup> Illinois, Pennsylvania, and California.

exhibitors in Exhibit “D”.

Revise Exhibit “D” by adding new #9 through #11 under “SECURITY”:

9. No more than 10% of exhibitors at the Event may be exhibitors that are not federally licensed firearms dealers (FFLs). Vendors that are not FFLs may not sell a firearm unless an FFL first conducts a background check in compliance with Bureau of Alcohol, Tobacco, and Firearms procedures for recordkeeping and background procedures for facilitation of private firearms transfers (ATF Proc. 2013-1) and receives a “proceed” response from the National Instant Criminal Background Check System.

10. Other Security Provisions:

- No loaded firearms may be displayed or carried, UNDER ANY CIRCUMSTANCES.
- ALL displayed firearms must be rendered inoperable by security straps or removal of the bolt prior to entering the show, and remain secured during the event. If it is necessary for the security strap to be removed to demonstrate the action of the gun, the firearm must be inspected before and after demonstration of the action, and the strap must then be replaced immediately - WITHOUT EXCEPTION.
- NO exhibitor may deliver a firearm to ANY buyer without the security strap.
- ALL firearms brought to the show by the public will be inspected and secured by show staff- often local sworn law enforcement personnel - prior to the firearm being admitted into the show.
- NO loose ammunition may be displayed, handled, or carried. All ammunition brought into the show must be sealed.
- NO loaded ammunition magazines or clips are allowed in the show at any time.
- ALL exhibitors and visitors must adhere to all local, state, and federal laws.

11. Licensee shall require all exhibitors to sign a written agreement including the terms contained in Subsections 9 and 10 above.

### **Ban on 3D Printed Firearms**

**Brief summary of recommendation:** City of Houston recommend to the Texas State Legislature that possession of 3D Printed Guns be included in Texas Penal Code Sec. 46.05 Prohibited Weapons as a 3<sup>rd</sup> Degree Felony.

**Submitting Sub-Committee:** Firearms Safety and Access

**Sub-Committee Chair contact information:** Dan Snare

**Potentially impacted City departments:** Houston Police Department

**Statutory reference (if applicable):** Texas Penal Code Sec. 46.05. PROHIBITED WEAPONS

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

3D Printed Guns are firearms that can be made anywhere in the world with very inexpensive materials and a 3D printer. In its simplest form, the 3D printed gun can only fire one round of ammunition without reloading. With a more expensive printer, an individual can manufacture multiple AR-15 rifles capable of firing high-capacity magazines of .223 ammunition. The designer of these 3D printed firearms is Cody Wilson who says his dissemination of information on how to build the gun is “protected free speech” and therefore cannot be regulated. This matter is still in litigation; however, the blueprints are already on the Internet and accessible with some searching. 3D printed guns and rifles pose an exceptional threat to the safety of our community because they allow for the acquisition of virtually untraceable firearms, which can be manufactured by persons who would not qualify for gun ownership. This “ghost market” of gun manufacturing circumvents gun purchasing laws and regulations.

The solution is to make 3D printed pistols and rifles illegal to possess the same way that any other homemade gun, also known as a “zip gun,” is unlawful to possess in the State of Texas under the Prohibited Weapons statute of the Texas Penal Code, Section 46.05. Under this proposal, possession of a 3D printed gun would be a felony of the 3<sup>rd</sup> degree.

**Potential partners:** Houston Police Department, Harris County Sheriff’s Office, METRO Police Department, Houston ISD Police and other local police agencies

**Potential opposition:** National Rifle Association, ACLU

**Estimated financial impact (if applicable):** Minimal Financial Impact to local governments, little to no impact to the local economy

### **Implement a Comprehensive and Ongoing Safe Firearm Storage Education and Awareness Campaign**

**Brief summary of recommendation:** We believe that incidences of children bringing firearms to school and harming themselves or others with a firearm will decrease with the following to provide awareness and education;

1. A school-based education program on gun safety

We recommend that all schools and school districts implement a comprehensive and ongoing education program. There are many existing tools currently

available including the Everytown's Be SMART program and the NRA's Eddie Eagle program.

2. A community-based safe firearm storage campaign

We recommend that the City identify and implement a community-wide awareness regarding safe gun storage coordinated through an inter-agency council comprised of representatives of the departments/agencies listed below and possibly others. This would also include public service announcements or media messaging regarding awareness of the child access protection law regarding safe storage in households with children. Existing resources such as the ad council and Brady center's "End Family Fire" campaign and Everytown for Gun Safety's resources.

3. A state-wide Gun Safety Awareness Day

We recommend implementing a state-wide day which would provide impetus for all Texas cities and communities to promote gun safety awareness and education. The same existing resources as above could be considered; in addition, collaborating with DPS or TxDOT to provide signage on state highways could be considered.

**Submitting Sub-Committee:** Firearms Safety & Access

**Sub-Committee Chair contact information:** Dan Snare

**Potentially impacted City departments:** Houston Office of Emergency Management, Emergency Medical Services, Houston Fire Department, Houston Health Department, Housing and Community Development Department, Department of Neighborhoods, Houston Parks and Recreation, Houston Police Department, Houston Public Library, Department of Public Safety

**Statutory reference (if applicable):** [Texas Penal Code 46.13](#)

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

- According to the Harris County Institute of Forensic Science statistics, guns are the second leading cause of accidental death for children in Harris County. Of the 1,074 minors who died in Harris County from 2011 to 2014, about 1 in 8 was killed by a gun, according to the data.<sup>1</sup>
- In America, 1 out of 3 homes with children have guns, and more than 2 million children live in a home with loaded and unsecured guns. Accidental shootings

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<sup>1</sup> George, C. (2016, January 22). Guns now No. 2 cause of accidental child death in county *Houston Chronicle*. Retrieved from <http://www.chron.com>



most commonly occur from children handling a loaded gun and shooting themselves or other children. Suicides or suicide attempts are most common using a gun found in the home, and accessible guns in the home also contribute to school shootings, as children bring in the guns from their home. These injuries are often completely preventable if simple gun safety measures are taken.

- According to the Texas Department of State Health Services, there were a total of 3492 trauma hospitalizations with an injury due to firearm in 2014. The hospital charges for firearm injuries ranged from \$54 – \$5,618,050 per hospitalization. 770 (22%) of those injuries were unintentional.<sup>1</sup>
- Texas' State Department of Health Services has shown that death by firearm was the leading cause of suicide in both Texas and the United States in 2014. The rate of firearm suicide was 6.75 per 100,000 in Texas vs. 6.37 per 100,000 in the United States.<sup>2</sup> Though guns are not the most common method by which people attempt suicide, they are the most lethal. About 85 percent of suicide attempts with a firearm end in death.<sup>3</sup>

**Potential partners:** Everytown for Gun Safety, Brady Center, Ad Council, Baptist Ministers Association, Central South District of the Texas Annual Conference of the United Methodist Church, Episcopal Diocese of Texas, Roman Catholic Archdiocese of Galveston–Houston, Ministers Against Crime, Greater Houston Partnership, Houston Area School Districts, Harris County Department of Education, Harris County District Attorney's Office, Harris County Attorney's Office, Harris County Commissioner's Court, Harris County Constables, Harris County Sherriff, Harris County Criminal Courts, Harris County Family and Youth Services, Harris County Fire Marshal's Office, Harris County Health, Harris County Health Education, Harris County Housing Resource Center, Harris County Juvenile Probation Department, Harris County Juvenile Probation Education Services, Harris County Public Library, Harris County Texas AgriLIFE Extension Service, Houston METRO, 4H, TranStar, Texas Department of Public Safety, Houston Area Women's Center, Houston Area Urban League, Houston LULAC, Houston NAACP, United Way, Anti-Defamation League, Action CDC, American Leadership Forum (Houston), League of Women Voters of Texas Moms Demand Action for Gun Sense in America, TX Department of Transportation

**Potential opposition:** National Rifle Association, Open Carry Texas, Texas State Rifle Association

**Estimated financial impact (if applicable):** To be determined. However the Commission recommends that adequate funding be allocated by the Houston City Council to support a robust and ongoing campaign.

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<sup>1</sup> Texas Department of State Health Services Texas EMS and Trauma Registries Hospital Data Request

<sup>2</sup> Texas Department of Health 2014 Suicide Data Briefs

<sup>3</sup> Drexler, Madeline. "Guns and suicide: The hidden toll" *Harvard School of Public Health News*, Spring 2013

## **Establish a Red Flag Law/Protective Order Working Committee**

**Brief summary of recommendation:** The City of Houston should actively seek and support appropriate Red Flag/Protective Order legislation in the 86th legislative session. To insure that the City provides the best input and advocacy we further recommend that the Mayor establish a working committee to advise City staff in seeking the best possible legislation.

We are aware that at least one such legislative proposal has already been introduced by Representative Joe Moody and we believe that the City of Houston should be an active participant in determining which bill is enacted and that any bill enacted addresses the major concerns of our stakeholder organizations.

**Submitting Sub-Committee:** Firearms Safety and Access

**Sub-Committee Chair contact information:** Dan Snare, President, American Leadership Forum, Houston/Gulf Coast Chapter dan@alfhouston.com

**Potentially impacted City departments:** HPD, HSCO

**Statutory reference (if applicable):** N/A

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

Law enforcement and concerned family members need tools to temporarily suspend firearms access during periods of crisis. Evidence shows that while mental illness on its own is not a strong predictor of behavior toward others, there are circumstances when mental illness makes an individual more prone to violence. For example, one such circumstance is the first episode of psychosis and the time periods just before and after an involuntary hospitalization.<sup>1 2</sup> Mental illness is strongly associated with self-harm, and common mental illnesses such as depression can increase risk of suicide.<sup>3 4</sup> Risk of suicide and access to firearms is particularly dangerous; 90% of attempted suicides by firearm are fatal.<sup>5</sup> Another factor likely affecting both firearm homicide and suicide is access to firearms by person at risk for harming themselves or others.<sup>6</sup> Previous studies

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<sup>1</sup> Choe, J., Teplin, L. & Abram, K (2008) *Perpetration of violence, violent victimization, and severe mental illness: balancing public health concerns. Psychiatric Services, 59(2), 153-164*

<sup>2</sup> McNiel, D., Weaver, C., & Hall, S. (2007). *Base rates of firearm possession by hospitalized psychiatric patients Psychiatric Services, 58(4), 551-553*

<sup>3</sup> Brown, G.K., Beck, A.T., Steer, R.A. & Grisham, J.R. (2000). *Risk factors for suicide in psychiatric outpatients: a 20 year prospective study. Journal of consulting's and clinical psychology, 68(3), 371-377*

<sup>4</sup> Malone, K.M., Haas, G.L., Sweeney, J.A. & Mann, J.J. (1995). *Major depression and risk of attempted suicide. Journal of Affective Disorders, 34(3), 173-185*

<sup>5</sup> Miller, M., Azrael, D., & Hemingway, D. (2004). *The epidemiology of case fatality rates for suicide in the northeast. Annals of emergency medicine, 43(6), 723-730*

<sup>6</sup> Kegler SR, Dahlberg LL, Mercy JA. *Firearm Homicides and Suicides in Major Metropolitan Areas —*

have shown that the interval between deciding to act and attempting suicide can be as brief as 10 minutes or less, and that persons tend not to substitute a different method when a highly lethal method is unavailable or difficult to access.<sup>1 2</sup> Preventing persons convicted of or under a restraining order for domestic violence from possessing a firearm has been associated with reductions in intimate partner-related homicide, including firearm homicide.<sup>3</sup> A history of violence,<sup>4 5</sup> including violent misdemeanor convictions<sup>6</sup> and perpetration of domestic violence<sup>7 8 9</sup>, is the strongest predictor of violence towards others. Individuals who abuse alcohol are at increased risk of homicide and suicide<sup>10</sup>, and research shows that firearm owners are more likely to abuse alcohol<sup>11 12 13 14</sup> Studies also show that illegal use of controlled substances is related to an increased risk of violence<sup>15 16 1 2 3</sup> The cognitive impairment associated with drug use also makes it

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United States, 2012–2013 and 2015–2016. *MMWR Morb Mortal Wkly Rep* 2018;67:1233–1237. DOI: <http://dx.doi.org/10.15585/mmwr.mm6744a3>

<sup>1</sup> Deisenhammer EA, Ing CM, Strauss R, Kemmler G, Hinterhuber H, Weiss EM. *The duration of the suicidal process: how much time is left for intervention between consideration and accomplishment of a suicide attempt?* *J Clin Psychiatry* 2009;70:19–24.

<sup>2</sup> Hawton K. *Restricting access to methods of suicide: rationale and evaluation of this approach to suicide prevention.* *Crisis* 2007;28(S1):4–9.

<sup>3</sup> Webster DW, Wintemute GJ. *Effects of policies designed to keep firearms from high-risk individuals.* *Annu Rev Public Health* 2015;36:21–37

<sup>4</sup> Cook, P.J., Ludwig, J., & Braga. A.A. (2005). *Criminal records of homicide offenders.* *JAMA: The Journal of the American Medical Association*, 294(5), 598-601.

<sup>5</sup> Wintemute, G.J., Wright, M.A., Drake, C.M., & Beaumont, J.J. (2001) *Subsequent criminal activity among violent misdemeanors who seek to purchase handguns.* *JAMA: The Journal of the American Medical Association*, 285(8), 1019-1026.

<sup>6</sup> Wintemute, G.J., Wright, M.A., Drake, C.M., & Beaumont, J.J. (2001). *Subsequent criminal activity among violent misdemeanants who seek to purchase handguns,* *JAMA: The Journal of American Medical Association*, 285(8), 1019-1026

<sup>7</sup> Campbell, J.C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M.A., ... & Laughton, K. (2003) *Risk factors for femicide in abusive relationships: Results from a multi site case control study.* *American journal of public health*, 93(7) 1089-1097.

<sup>8</sup> Zeoli, A.M., & Webster, D.W. (2010). *Effects of domestic violence policies, alcohol taxes and police staffing levels on intimate partner homicide in large US cities.* *Injury prevention*, 16(2), 90-95.

<sup>9</sup> Campbell, J.C., Glass, N., Sharps, P.W., Laughton, K., & Bloom, T. (2007) *Intimate partner homicide review and implications of research and policy,* *Trauma, Violence, & Abuse*, 8(3), 246-69

<sup>10</sup> Rivera, F.P., Muller, B.A., Somes, G., Mendoza, C.T., Rushforth, N.B., & Kellermann, A.L. (1997). *Alcohol and illicit drug abuse and the risk of violent death in the home.* *JAMA: The Journal of the American Medical Association*, 278(7), 569-575.

<sup>11</sup> Wintemute, G.J. (2011). *Association between firearm ownership, firearm-related risk and risk reduction behaviors and alcohol-related risk behaviors,* *Injury prevention*, 17(6), 422-427.

<sup>12</sup> Miller, M., Hemenway, D., & Wechsler, H. (2002). *Guns and gun threats at college.* *Journal of American College Health*. 51(2), 57-65.

<sup>13</sup> Miller, M., Hemenway, D., & Wechsler, H. (1999). *Guns at college.* *Journal of American College Health*. 48(1), 7-12.

<sup>14</sup> Miller, M., Hemenway, D., & Wechsler, H. (2002). *Guns and gun threats at college.* *Journal of American College Health*. 51(2), 57-65.

<sup>15</sup> Afifi, T.O., Hendrickson, C.A., Asmundson, G.J., & Sareen, J. (2012). *Victimization and perpetration of intimate partner violence and substance use disorders in a nationally representative sample.* *The Journal of nervous and mental disease*, 200(8), 684-691.

<sup>16</sup> Friedman, A.S. (1999). *Substance use/abuse as a predictor to illegal and violent behavior: A review of the relevant literature.* *Aggression and Violent Behavior*, 3(4), 339-355.

difficult to avoid violent conflict.<sup>4 5 6</sup>

Appropriate Crisis Intervention safeguards in the form of Red Flag Laws and Protective Orders are essential to reduce gun violence. These are complicated and controversial issues and we believe that the City of Houston needs to play a leadership role in both insuring that measures are enacted during the next legislative session and that these measures address as well as possible the many issues that have been raised in our research.

**Potential partners:** Independent School Districts, community-based non-profits, Law Enforcement, Elected officials; Harris County Domestic Violence Coordinating Council; Domestic Violence Policy Workgroup, Mental Health America, National Alliance on Mental Illness

**Potential opposition:** Gun Lobby

**Estimated financial impact (if applicable):** N/A

### **Collaboration between the City of Houston and Harris County Regarding Gun Surrender Protocols for Domestic Violence Offenders**

**Brief summary of recommendation:** The City of Houston should work in collaboration with Harris County to identify, secure, and allocate funding to implement a gun surrender protocol for Domestic Violence Offenders.

It is critical that the City of Houston and Harris County make an honorable investment in resources to ensure the enforcement of existing federal and state laws. Individuals with family violence misdemeanors and protective order respondents have been prohibited from possessing firearms under Texas law since 2001,<sup>7</sup> (even longer for felons) and under federal law for over two decades.<sup>8</sup> The following facts support the need for enforcement of current state and federal law via a local gun surrender protocol:

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<sup>1</sup> Auerhahn, K., & Parker, R.N. (1999). *Drugs, alcohol, and homicide. Studying and preventing homicide: Issues and challenges*, 97-114.

<sup>2</sup> Borges, G., Walters, E.E., & Kessler, R.C., (2000), *Associations of substance use, abuse, and dependence with subsequent suicidal behavior. American Journal of Epidemiology*, 151(8), 781-789.

<sup>3</sup> Boles, S.M., & Miotto, K. (2003). *Substance abuse and violence: A review of the literature. Aggression and Violent Behavior*, 8(2), 155-174.

<sup>4</sup> Miller, M.M., & Potter-Enron, R.T. (1990). *Aggression and violence associated with substance abuse. Journal of Chemical Dependency Treatment*, 3(1), 1-35.

<sup>5</sup> Davis, W.M. (1996). *Psychopharmacology violence associated with cocaine abuse: Kindling of a lambic dyscontrol syndrome?. Progress in Neuro-Psychopharmacology and Biological Psychiatry*, 20(8), 1273-1300.

<sup>6</sup> Friedman, A.A. (1999), *Substance use/abuse as a predictor to illegal and violent behavior: A review of the relevant literature. Aggression and Violent Behavior*, 3(4), 339-355.

<sup>7</sup> Texas Penal Code 25.07; Texas Penal Code 46.04 (O'Connor's Criminal Codes Plus, 2017-2018).

<sup>8</sup> 18 U.S.C. 922(G).

- 65% of women killed by current or former male intimate partners in Texas in 2017 were shot to death.<sup>1</sup> This exceeded the national average.<sup>2</sup>
- Texas has prohibited felons, protective order respondents, and offenders convicted of certain family violence misdemeanors from possessing firearms for almost two decades.<sup>3</sup>
- Texas law requires courts to provide notice of these firearms prohibitions on criminal citations<sup>4</sup>, in court before accepting a plea<sup>5</sup>, and after conviction of a misdemeanor family violence offense.<sup>6</sup> All protective orders in Texas must also contain explicit firearm prohibition language.<sup>7</sup>
- Most jurisdictions in Texas lack a formal surrender protocol to enforce the law, leaving deadly weapons in the hands of dangerous offenders, risking the safety of survivors, law enforcement officers, and community members, and disregarding accountability.
- Intimate-partner homicide rates are 9.7 percent lower on average in states with gun-surrender laws. Firearm-specific homicide rates are 14 percent lower in those states.<sup>8</sup>

**Submitting Sub-Committee:** Sexual Assault and Domestic Violence

**Sub-Committee Chair contact information:** Sonia Corrales  
Subject Matter Expert: Carvana Cloud

**Potentially impacted City departments:** Houston Police Department and Harris County Sheriff's Office (County entity).

**Statutory reference (if applicable):** N/A

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

In collaboration with the Harris County Domestic Violence Coordination Council, a domestic violence policy workgroup, led by Judge Judy Warne, has been working to develop a gun surrender protocol that will be piloted out of the Harris County 280th Protective Order Court. The protocol will facilitate the surrender of firearms throughout

<sup>1</sup> *Honoring Texas Victims*, Texas Council on Family Violence (2018).

<sup>2</sup> Sorenson, Susan, *Nonfatal Gun Use in Intimate Partner Violence: A Systematic Review of the Literature* (2016).

<sup>3</sup> Texas Penal Code 46.04; Texas Family Code 85.026

<sup>4</sup> Texas Code of Criminal Procedure 14.06

<sup>5</sup> Texas Code of Criminal Procedure 27.14

<sup>6</sup> Texas Code of Criminal Procedure 42.01

<sup>7</sup> Texas Family Code 85.026; Code of Criminal Procedure 7A.06

<sup>8</sup> Díez C, Kurland RP, Rothman EF, Bair-Merritt M, Fleegler E, Xuan Z, et al. *State Intimate Partner Violence-Related Firearm Laws and Intimate Partner Homicide Rates in the United States, 1991 to 2015*. *Ann Intern Med.* ;167:536–543. doi: 10.7326/M16-2849

the duration of family violence protective orders. The Harris County District Attorney's Office will work with law enforcement to enforce compliance of the current law, which makes it a Class A misdemeanor to possess a gun within five (5) years of a family violence conviction or from release from community supervision for a family violence offense and in violation of a family violence protective order. The Harris County Domestic Violence Coordinating Council sought grant funding for this project via a grant from the Governor's office. The council was recently informed that **grant funding was denied**. Accordingly, we are recommending that the City of Houston allocate resources to ensure that a local gun surrender protocol can be developed, implemented, and sustained by the Houston Police Department and the Harris County Sheriff's Office to protect the 2,500 victims who are granted family violence protective orders by the 280<sup>th</sup> District Court annually.

**Potential partners:** Independent School Districts, community-based non-profits, faith-based organizations, private educational programs, law enforcement, elected officials, Harris County Domestic Violence Coordinating Council, and Domestic Violence Policy Workgroup.

**Potential opposition:** Gun Lobby

**Estimated financial impact (if applicable):** \$200,921 (see below)

A gun surrender protocol will facilitate implementation of strategies to increase safety for domestic violence victims who are disproportionately impacted by gun violence. Specifically, partners will work with the 280<sup>th</sup> District Court, which is responsible for all protective orders within Harris County to create and implement a protocol based on best practices. Partners and court personnel will track outcomes of the implemented protocol.

The estimated financial impact of this project, at a minimum, requires the hiring of the following personnel as detailed below:

1. **HCSO Deputy V** – Provide security and monitoring of gun surrender location. = **\$73,709**
2. **Court Clerk for 280th Protective Order Court** - Responsible for administrative responsibilities, processing case information for gun surrender protocol, and tracking outcomes. = **\$64,812**
3. **Protective Order Prosecutor**- Contracted part-time prosecutor (24 hours /week) to file applicable criminal charges when offenders fail to comply with gun surrender protocol and to enforce the current state law which prohibits offenders from possessing a firearm within 5 years of a family violence conviction or release from community supervision for a family violence offense. = **\$62,400**

# COMMUNITY SAFETY RECOMMENDATIONS

## Continue Relational and Problem-Oriented Policing or Community Interventions

**Brief summary of recommendation:** The City of Houston should consider Problem-Oriented Policing, or community intervention in an effort to reduce gun violence. This requires the police force to work with community leaders to identify problematic areas with high gun violence crimes and work with the members of the community to raise awareness and implement programs that would address the problems.

**Submitting Sub-Committee:** Community Safety

**Sub-Committee Chair contact information:** Cornelius Blackshear

**Potentially impacted City departments:** HPD, HISD Police and other law enforcement

**Statutory reference (if applicable):** N/A

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:** Summary of Problem-Oriented Policing is published by the National Institute of Justice [here](#).

**Potential partners:** law enforcement, community leaders, faith-based leaders, Everytown, National PTA

**Potential opposition:** Legislation, NRA

**Estimated financial impact (if applicable):** N/A

## Engage Texas Policy Lab at Rice University

**Brief summary of recommendation:** The City of Houston should engage with Texas Policy Lab at Rice University and ask them to conduct research on best practices of other communities and their programs that aim to reduce gun violence and crimes, in order to benefit from the experiences of other cities and communities.

**Submitting Sub-Committee:** Community Safety

**Sub-Committee Chair contact information:** Cornelius Blackshear

**Potentially impacted City departments:** City of Houston

**Statutory reference** California Legislation was passed in 2015-2016 and received 5 million in funding from 2017-2021 in the fiscal Year 2016-2017 budget.  
H.R. 4573 Dickey Amendment

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:** Dickey Amendment is located [here](#).

**Potential partners:** Texas Policy Lab at Rice University and any other policy-oriented research institutions, Everytownresearch.org, Local non-profits, City Council, community Leaders

**Potential opposition:** National Legislation, State Legislation, NRA

**Estimated financial impact** No cost to the City. The Policy Lab will provide research free of charge.

### **Pursue Additional Funding Resources for Mitigating Gun Violence**

**Brief summary of recommendation:** The City of Houston should pursue federal funding initiatives for the research of the causes and effects of gun violence to reduce gun deaths and injuries in the Greater Houston area. The City of Houston should also monitor and support policies that identify state and federal funding for causes and effects of gun violence.

**Submitting Sub-Committee:** Community Safety

**Sub-Committee Chair Contact Information:** Cornelius Blackshear

**Potential impact City department:** City Council, Community Leaders, Faith Based Leaders

**Background information, including an example(s) of how current State law has negatively affected the COH:**

- **Strengthen state and local policies to reduce gun violence**

The foundation supports development and advocacy of evidence-based policies in Greater Houston to reduce firearm accessibility to those at risk of violence. We also support initiatives to improve enforcement of existing gun laws and defend against efforts to weaken them.

- **Continue to build the body of evidence for policies and strategies to reduce gun violence**



Credible research and access to data are essential for successful gun violence prevention policy development, advocacy and implementation. Identify foundations that supports new research studies to inform gun violence prevention policy and practice, and the dissemination of research findings.

- **Reduce the next generation’s exposure to gun violence through education on the risks of firearms**

Research on firearm risks and gun violence prevention measures is not well known. We will support educational initiatives to build awareness of the research on firearm violence and its prevention.

- **Use the courts to promote and defend gun safety**

Supreme Court decisions make clear that evidence-based firearm regulations are constitutionally permissible. The Foundation will support legal strategies to uphold gun violence prevention policies and advance gun safety.

**Potential partners:** The Arnold Foundation, Houston Endowment, U.S. Department of Education Grant, TEA, NRA Foundation, Brady Center to Prevent Gun Violence

<https://www.arnoldfoundation.org/grants/>

<http://www.bradycampaign.org/>

<https://www2.ed.gov/fund/grants-apply.html?src=ft>

<https://www.nrafoundation.org/grants/>

**Potential opposition:** Other Cities, NRA, Legislators at the State and Federal Level, Gun Lobbyist.

**Estimated financial impact (if applicable):** The standard fee is **\$3,500** to develop, draft and edit a proposal for submission to multiple foundations and corporations, and **\$1,500** is the usual cost of prospect research and of photocopying and postage to distribute the proposal to multiple donors.

**Supporting Documentation:**

**California State Funding for Firearm Violence Prevention Research**

The University of California Firearm Violence Research Center (UCFC) is the first state-funded center for firearm violence research, founded to address these gaps in knowledge on firearm violence and its prevention in July 2017. It was created by the CA Legislature in the 2015-16 legislative session and received \$5 million in funding from 2017 - 2021 in the Fiscal Year [2016-17 State Budget](#).

UCFC, according to [Section 14231 of the California Penal Code](#): the California Firearm Violence Research Act, will conduct interdisciplinary work to address:

1. The nature of firearm violence, including individual and societal determinants of risk for involvement in firearm violence, whether as a victim or a perpetrator.
2. The individual, community, and societal consequences of firearm violence.
3. Prevention and treatment of firearm violence at the individual, community, and societal levels.

In addition to rigorous research on firearm violence, UCFC will also play a role in policy development, public dissemination of research findings, training of new investigators in the field of firearm violence and supporting non-UCFC investigators conducting firearm violence research through its small grants program.

UCFC is located at UC Davis, with Dr. Garen Wintemute as its director. The UC Davis Violence Prevention Research Program, which for more than thirty years has conducted firearm research and policy development, will closely work with UCFC. VPRP core investigators have a variety of backgrounds related to firearms and firearm policy, including medicine, epidemiology, statistics and biostatistics, criminology, the law, economics, and policy studies.

UCFC is supporting efforts at 3 affiliate UC campuses: Berkeley, Irvine, and Los Angeles.

**Rutgers University in New Jersey:** Rutgers University will serve as New Jersey's Center on Gun Violence Research, a new initiative that will focus the university's expertise in public health, criminal justice and other fields on a nationwide problem. See more information [here](#).

**Jackson State University in Jackson, MS:** On July 17, 2018, Mayor Chokwe Lumumba was authorized by the Jackson City Council to enter into a MOU with Jackson State University and the Jackson Police Department so that JSU can do research and analysis on crime data with the intention of reducing gun-related crimes. See more information [here](#) and [here](#).

# **PUBLIC HEALTH RECOMMENDATIONS**

## **Fund Hospital-Based Violence Prevention Programs**

**Brief summary of recommendation:** Proposal for funding to existing and new hospital-based violence intervention programs. These programs involve a comprehensive approach that identifies patients at risk for repeat violent injury and links them with hospital- and community-based resources aimed at addressing underlying risk factors for violence.

**Submitting Sub-Committee:** Gun Violence as a Public Health Issue

**Sub-Committee Chair contact information:** David Persse, MD

**Potentially impacted City departments:** Houston Police Department, Mental Health Division, Harris County Sheriff's Office, Harris County Crisis Intervention Response Team, Harris Center for Mental Health

**Statutory reference (if applicable):** N/A

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:**

Homicide is the third leading cause of death in 15-34 year olds and fourth in 10-14 year olds in the United States; however, minority populations are disproportionately affected, making it the leading cause of death in young African American males and second in young Hispanic males. Aside from the social burden, the financial burden for hospital care and resulting lifelong disability is significant. The direct and indirect cost of these injuries has been estimated as \$12 billion per year. In the Houston area, aggravated assault is most common in the 17-23 age range. Across all age groups, a staggering 17,500 cases have been reported by the Houston Police Department within the past 5 years.

Trauma centers are among the front lines of the interpersonal violence epidemic. Since injury recidivism rates (repeat occurrences) are as high as 55%, an injury-prevention approach at the hospital level has recently gained popularity at high-volume trauma centers. Hospital-based violence intervention programs (HVIPs) require resources for program staff, culturally competent case managers, social workers, and alliances with community-based mental health resources and violence-intervention programs to continue long-term follow-up. Trauma centers that have had HVIPs in place for a while have reported decrease in recidivism rates, indicating effective long-term results within their communities.

**Potential partners:** Trauma centers, Houston Police Department, Department of State Health Services, Everytown for Gun Safety, United Way, other community-based violence intervention programs.

**Potential opposition:** NRA

**Estimated financial impact (if applicable):** To establish a new HVIP, the estimated budget as suggested by the American College of Surgeons is \$100,000 per trauma center. Ben Taub General Hospital sees the highest number of firearm victims in the state and needs an established program such as this. If further funding allows, there are 15 level 1 trauma centers in Texas adult patients. Funding them all would require \$1.5 million.

**Supporting Documentation:**

**America’s gun homicides are concentrated in cities, and especially in racially segregated neighborhoods with high rates of poverty.**

- There are nearly 13,000 gun homicides in the U.S. every year.<sup>1</sup> In 2015, over a quarter of these gun homicides occurred in neighborhoods containing less than two percent of the country’s population.<sup>2</sup>
- The neighborhoods where gun homicides are concentrated have high rates of poverty, low educational attainment and are racially segregated.<sup>3</sup>
- Gun violence is further concentrated in small social networks. In Chicago, for example, 70 percent of all nonfatal gunshots and 46 percent of gun homicides occurred in social networks containing less than six percent of the city’s population.<sup>4</sup> Similarly, in New Orleans, less than one percent of the city’s population were involved in over 50 percent of all homicides.<sup>5</sup>
- Violence spreads like a disease – when an individual is victimized by or exposed to violence, it increases their likelihood of future involvement in violence.<sup>6,7</sup>

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<sup>1</sup> Centers for Disease Control and Prevention. WISQARS Fatal Injury Reports. Data reflects a 5-year average (2012-2016). In this document, homicides include gun deaths by homicide and legal intervention.

<sup>2</sup> The Guardian. Want to fix gun violence in America? Go Local. Published January 9, 2017. Accessed April 19, 2018. Available at: <https://bit.ly/2i6kaKw>. Neighborhoods are defined as US census tracts; 1,200 census tracts represent 26 percent of gun homicides and 2 percent of the population.

<sup>3</sup> The Guardian. Want to fix gun violence in America? Go Local. Published January 9, 2017. Accessed April 19, 2018. Available at: <https://bit.ly/2i6kaKw>.

<sup>4</sup> Papachristos, A. Wildeman, C. Roberto, E. Tragic, but Not Random: The Social Contagion of Nonfatal Gunshot Injuries. *Social Science & Medicine*. 2015; 125: 139-150. See also: Papachristos A, Wildeman, C. Network Exposure and Homicide Victimization in an African American Community, *American Journal of Public Health*. 2014; 104(1): 143-150.

<sup>5</sup> Corsaro N, Engel, R. Most Challenging of Contexts: Assessing the Impact of Focused Deterrence on Serious Violence in New Orleans. *Criminology and Public Policy*. 2015; 14(3): 471-505.

<sup>6</sup> Tracy M, Braga A, Papachristos A. The Transmission of Gun and Other Weapon-Involved Violence Within Social Networks. *Epidemiological Reviews*. 2016; 38(1): 70-86.

<sup>7</sup> Green, B. Horel, T. Papachristos, A. Modeling Contagion Through Social Networks to Explain and Predict Gunshot Violence in Chicago, 2006 to 2014. *Journal of American Medical Association Internal Medicine*. 2017; 177(3): 326-333.

**Everytown supports violence intervention programs that provide comprehensive support to the individuals who are at greatest risk of gunshot victimization. Evidence-based gun violence intervention programs reduce gun murders and injuries in the neighborhoods most impacted by gun violence.**

Community-based violence intervention programs apply a localized approach to gun violence prevention that are well-suited to address gun violence in disproportionately impacted communities. These programs identify individuals who are at the highest risk of shooting or being shot, and work to reduce violence through targeted interventions. There are several program models. Three of the most common include the below.

**Cure Violence** approaches violence with the understanding that it is contagious and stops its spread by using the methods and strategies associated with disease control – detecting and interrupting conflicts, identifying and treating individuals at highest risk, and changing community norms. The Cure Violence Model utilizes Violence Interrupters, who actively work to mediate conflicts and prevent retaliatory violence between those who are at risk of committing or becoming the victim of gun violence, as well as Outreach Workers who proactively identify and work with those at highest risk of involvement in violence to change their behavior. Both Violence Interrupters and Outreach Workers are carefully selected for their credibility with those at highest risk, often having similar life experiences to those they work with and being from the communities they serve.

- The Cure Violence program reduces shootings and homicides. In Philadelphia, the program resulted in 2.4 fewer shootings per month for every 10,000 residents in the areas served by the program.<sup>1</sup> Similarly, an evaluation of the Cure Violence program in the South Bronx found that it was associated with a 37 percent decline in gun injuries and a 63 percent decline in shooting victimizations while a similar neighborhood without the program did not experience the same rate of reduction.<sup>2</sup>

**Hospital-Based Violence Intervention programs (HVIPs)** are located in or linked to trauma centers and emergency departments. These programs engage violently injured patients during or soon after their hospital stay, partnering with patients and families for months after the injury to reduce the chance of retaliation and violent injury recurrence. They are based in the premise that there is a unique window of opportunity to engage victims of violence in the immediate aftermath of a traumatic injury. Participants are connected to a violence prevention professional who joins them in their homes and neighborhoods to help them access mental health counseling, education, employment counseling and other local support services. HVIPs often collaborate with the Cure Violence program in their city.

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<sup>1</sup> Roman C, Klein H, Wolff K, Bellamy MD, Reeves K. Philadelphia CeaseFire: Findings from the Impact Evaluation. Philadelphia, PA: Temple University. 2017.

<sup>2</sup> Delgado, SA, Alsabahi, L, Wolff, K, Alexander, N, Cobar, P, Butts, JA. The Effects of Cure Violence in the South Bronx and East New York, Brooklyn. Brooklyn. In Denormalizing Violence: A Series of Reports from the John Jay College Evaluation of Cure Violence Programs in New York City. New York, NY: Research and Evaluation Center, *John Jay College of Criminal Justice*, City University of New York.

- Hospital-based violence intervention programs (HVIP) are an effective means of reducing the risk that an individual will suffer an additional violent injury after leaving the hospital. These programs also reduce the likelihood that an individual will participate in retaliatory violence. In Baltimore, individuals who did not receive the HVIP program were six times more likely to be hospitalized again for a violent injury and four times more likely to be convicted of a violent crime than individuals who received the intervention. Individuals who received the intervention also saw their employment increase from 39 percent to 82 percent, while employment fell for those not in the program.<sup>1</sup> In San Francisco, an HVIP program reduced the percent of patients who were readmitted with a violent injury from 8.4 percent to 4.9, a two-fold reduction in violent reinjury.<sup>2</sup>

**Group Violence Intervention** (GVI) programs utilize the call-in to communicate directly with group members, conveying a powerful community message about disapproval for violence and in support of community aspirations; concrete opportunities for both immediate and longer-term assistance and support; and clear prior notice of the legal risks associated with continued violence. Central to GVI is a partnership of law enforcement, community members, and social service organizations working together to reduce violence.

- Group Violence Intervention reduces gun violence. In Chicago, the program reduced gun violence among group members who attended a call-in. These individuals were 32 percent less likely to be the victim of a fatal or nonfatal shooting than individuals who did not receive the intervention; homicides decreased by 37 percent in targeted neighborhoods.<sup>3</sup> In Cincinnati, the program led to a 41% reduction in group-member involved homicides.<sup>4</sup>

#### **What “Group Violence” Means**

Gun violence occurs within social groups; most individuals who are shot know the person

<sup>1</sup> Cooper C, Dawn M.E, Paul D.S. Hospital-Based Violence Intervention Programs Work. *The Journal of Trauma Injury, Infection, and Critical Care*. 2006; 61(3): 534-7.

<sup>2</sup> Juillard, C, Cooperman, L, Allen, I, Pirracchio, R, Henderson, T, Marquez, R, Orellana, J, Texada, M, Dicker, RA. A Decade of Hospital-based Violence Intervention: Benefits and Shortcomings. WTA Plenary Paper. *Trauma Acute Care Surgery*. 2016; 81(6): 1156-1161.

<sup>3</sup> Andrew V. P., David S.K., Changing the Street Dynamic: Evaluating Chicago’s Group Violence Reduction Strategy, Chicago’s Group Violence Reduction Strategy. *Criminology and Public Policy*. 2015; 14(3): 525-558.

<sup>4</sup> Engel, R. S., Tillyer, M. S., & Corsaro, N. (2013) Reducing Gang Violence Using Focused Deterrence: Evaluating the Cincinnati Initiative to Reduce Violence (CIRV). *Justice Quarterly*. 2011; 30(3): 403-439

who shot them.<sup>1</sup> Although some of this violence is tied to gangs, most occurs within informal social groups.<sup>2</sup> Gangs are established, formal organized crime organizations that make money for a larger entity and control a large amount of territory for multiple generations.<sup>3</sup> Most gun violence occurs within informal social networks where individuals are tied together by living on the same block or having the same friend group. Interpersonal violence, which represents the majority of city gun violence, results from conflicts that can often be detected and mediated before they escalate to violence.<sup>4</sup> This violence becomes deadly because of the presence of a gun, and is not used for strategic reasons or to maintain control of an area.

**Long-term, stable funding is critical for local intervention programs to succeed. Everytown supports and advocates for state and local government funding for these programs.**

<http://bulletin.facs.org/2017/10/violence-intervention-programs-a-primer-for-developing-a-comprehensive-program-for-trauma-centers/#.Wi8TGVWnGUI>

Aboutanos MB, Jordan A, Cohen R, et al. Brief violence interventions with community case management services are effective for high-risk trauma patients. *J Trauma*. 2011;71:228-236; discussion 236-237.

Chong VE, Smith R, Garcia A, et al. Hospital-centered violence intervention programs: A cost-effectiveness analysis. *Am J Surg*. 2015;209(4):597-603.

Corbin TJ, Purtle J, Rich LJ, et al. The prevalence of trauma and childhood adversity in an urban, hospital-based violence intervention program. *J Health Care Poor Underserved*. 2013;24(3):1021-1030.

Corbin TJ, Rich JA, Bloom SL, Delgado D, Rich LJ, Wilson AS. Developing a trauma-informed, emergency department-based intervention for victims of urban violence. *J Trauma Dissociation*. 2011;12(5):510-525.

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<sup>1</sup> Papachristos, A, Wildeman, C, Roberto, E. Tragic, but Not Random: The Social Contagion of Nonfatal Gunshot Injuries. *Social Science & Medicine*. 2015; 125: 139-150. See also: Papachristos A, Wildeman, C. Network Exposure and Homicide Victimization in an African American Community, *American Journal of Public Health*. 2014; 104(1): 143-150. Corsaro N, Engel R. Most Challenging of Contexts: Assessing the Impact of Focused Deterrence on Serious Violence in New Orleans. *Criminology and Public Policy*, 2015; 14(3), 471-505. Tracy M, Braga A, Papachristos A. The Transmission of Gun and Other Weapon-Involved Violence Within Social Networks. *Epidemiological Reviews*, 2016; 38(1), 70-86. Green B, Horel T, Papachristos A. Modeling Contagion Through Social Networks to Explain and Predict Gunshot Violence in Chicago, 2006 to 2014. *Journal of American Medical Association Internal Medicine*. 2017; 177(3), 326-333.

<sup>2</sup> National Network for Safe Communities. FAQ: Why does GVI focus on groups?. *John Jay College*. <https://nnscommunities.org/our-work/faqs#2> Accessed 9/6/2018.

<sup>3</sup> FBI. What We Investigate: Gangs. <https://www.fbi.gov/investigate/violent-crime/gangs>. Accessed 9/6/2018.

<sup>4</sup> Engel RS, Baker SG, Tillyer MS, Eck J, Dunham J. Implementation of the Cincinnati Initiative to Reduce Violence (CIRV): Interim Report. *University of Cincinnati Policing Institute*. 2008.

Dicker RA, Jaeger S, Knudson MM, et al. Where do we go from here? Interim analysis to forge ahead in violence prevention. *J Trauma*. 2009;67(6):1169-1175.

Fischer K, Purtle J, Corbin T. The Affordable Care Act's Medicaid expansion creates incentive for state Medicaid agencies to provide reimbursement for hospital-based violence intervention programmes. *Inj Prev*. 2014;20(6):427-430.

Hemenway D, Miller M. Public health approach to the prevention of gun violence. *N Engl J Med*. 2013;368(21):2033-2035.

## **Expand Funding for Mental Health First Aid Training for Law Enforcement**

**Brief summary of recommendation:** Recommend that the City of Houston propose the Texas State Legislature expand the HHSC reimbursement model to include reimbursement for training law enforcement officers in Mental Health First Aid (MHFA). Mental Health First Aid trainings, based upon a nationally approved model, are currently funded by the Texas Legislature for teachers, child-serving personnel and school resource officers. Each year, HHSC is **required to report** to the legislature records of, "Local Mental Health Authority employees and contractors trained as MHFA trainers during the preceding fiscal year; university employees, school district employees, and school resource officers who completed an MHFA training program provided by a LMHA during the preceding fiscal year; and individuals from the community who are not employed by a university or school district who completed an MHFA training program provided by a LMHA during the preceding fiscal year. "

According to HHSC, "MHFA is an eight-hour, evidence-based curriculum teaching individuals how to help someone developing a mental health problem or experiencing a mental health crisis. MHFA training increases awareness of mental health, reduces stigma around mental illness, and teaches individuals how to assess a situation, provide assistance, and connect someone with a mental health issue to resources."

The MHFA website describes the benefits specifically relating to law enforcement officers as follows: "The course is taught to police, first responders, corrections officers, and other public safety audiences around the country. Mental Health First Aid for Public Safety provides officers with more response options to help them deescalate incidents and better understand mental illnesses so they can respond to mental health related calls appropriately without compromising safety."

Extending funding for MHFA training beyond the school campus would allow for a greater understanding of mental health issues by law enforcement officers and the opportunity to de-escalate crises before they become violent.

**Submitting Sub-Committee:** Gun Violence as a Public Health Issue



**Sub-Committee Chair contact information:** David Persse, MD

**Potentially impacted City departments:** N/A

**Statutory reference (if applicable):** [Health and Safety Code, Section 1001.203.](#)

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:** [Texas Health and Human Services: Report on the Mental Health First Aid Program: https://hhs.texas.gov/sites/default/files/documents/laws-regulations/reports-presentations/2017/FY2017-report-mental-health-first-aid-program.pdf](#)

**Potential partners:** Houston Police Department, Harris County Sherriff's Office, Texas Commission on Law Enforcement.

**Potential Opponents:** N/A

**Estimated financial impact (if applicable):** To be determined by the Mayor's Office of Government Affairs.

### **Expand Funding Dedicated to Harris County Psychiatric Center**

**Brief summary of recommendation:** Recommend that the City of Houston propose the Texas State Legislature increase funding for Harris County Psychiatric Center's mental health services, specifically funding wrap-around services including step-down programs and housing supports.

According to the Texas Council, "From 1964 to 2016, the Texas population rose from 10.3 to 28.2 million people, almost tripling in just over fifty years. Despite astounding population growth, the number of inpatient psychiatric beds in Texas State Hospitals shrank by almost 80% during this time, from 14,921 to 3,013 beds. Demand for both forensic and civil psychiatric beds far outpaces current State Hospital system capacity, placing severe strain on local communities, jails and hospital systems."

Additional funding is needed to create in-patient bed capacity for individuals suffering from mental health crises.

Senate Bill (S.B.) 1185, 83rd Legislature, Regular Session, 2013, required the Department of State Health Services (DSHS) to evaluate and submit a report on the effectiveness of a mental health jail diversion pilot program designed to reduce jail recidivism and frequency of arrest and incarceration among persons with mental illness in Harris County.

Based on data and analysis provided by Harris County through a contract with the University of Texas Health Science Center Houston (UTHSCH), it appears the program was effective. In the first year following enrollment:

- Jail bookings and charges decreased by 0.8 bookings per person per year.
- Felonies and misdemeanors decreased by 0.1 and 0.6 charges per person per year.
- Jail days decreased by 18.9 days per person, equaling a potential savings of \$571,564 to Harris County per its estimates.

Use of evidence-based intervention models and best practices, such as integrated primary and behavioral health care, Motivational Interviewing (MI), CTI, Permanent Supportive Housing (PSH), Trauma-Informed Care (TIC), and Cognitive Behavioral Therapy (CBT) for criminogenic risk contributed to the program's effectiveness.

The Texas Criminal Justice Coalition found that, "Without tailored assistance, people with mental health issues will continue to struggle to adapt and may turn to unlawful methods to survive. In fact, hundreds of inmates with mental problems cycled in and out of Harris County jail five or more times from 2011 to 2012, a revolving door marked by high costs associated with policing, prosecuting, and re-incarcerating these individuals."

Further, the Texas Criminal Justice Coalition reports that, "Supportive housing is especially critical for people with mental health issues. 17% of jail detainees with mental illness had been homeless at least once during the year prior to arrest, in contrast to 9% of those without mental illness. Furthermore, many members of the mentally ill homeless population rotate between the streets and shelters, emergency centers, and jail cells, and the costs to Harris County attributable to their increased re-arrest rates exceed \$14 million per year."

Additional funding for the Harris County Psychiatric Center, which serves as the primary care-giver of in-patient indigent individuals suffering mental health crises in Harris County, would allow for additional in-patient beds to increase capacity of the public system, while also creating funding streams for essential step-down programs, such as supportive housing for individuals upon release, to reduce recidivism to jails and emergency rooms and promote recovery.

**Submitting Sub-Committee:** Gun Violence as a Public Health Issue

**Sub-Committee Chair contact information:** David Persse, MD

**Potentially impacted City departments:** N/A

**Statutory reference (if applicable):** N/A

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:** Supporting documents:

- The Growing Crisis in Inpatient Psychiatric Care: Forensic Crowd-out and Other Access Barriers: Transitional Services (2016)- <https://txcouncil.com/wp-content/uploads/2016/12/Inpatient-Psychiatric-Care-Issue-Brief-121616-Updated-12417.pdf>
- Harris County Sheriff's Office Mental Health Unit Step-Down Unit: <http://www.harriscountycit.org/jail-mental-health-unit/>
- Report on the Harris County Mental Health Jail Diversion Pilot Program for Fiscal Year 2016: 8.2.6 Housing Assistance and Substance Use Treatment Services: <https://hhs.texas.gov/sites/default/files/documents/laws-regulations/reports-presentations/2017/sb1135-harris-county-mh-jail-diversion-feb2017.pdf>
  - Texas Criminal Justice Coalition: Implement a Mental Health Pilot Program in Harris County Targeted Diversion Strategies and Data Tracking will Create Cost Savings and Safer Communities: <https://www.texascjc.org/system/files/publications/SB%201185%20Fact%20Sheet%20%28Mental%20Illness%20Diversion%29.pdf>
    - [Senate Bill 1185 \(83 R\)](#): Relating to the creation of a mental health jail diversion pilot program.
      - Author: Huffman
      - Coauthor: Schwertner | Whitmire
      - Sponsor: Thompson, Senfronia
      - [Fiscal Note](#)
      - [Bill language](#)

**Authorize Funding to Evaluate Transmission of Mental Health Records from Texas Department of Public Safety (DPS) to National Instant Criminal Background Check System (NICS)**

**Brief summary of recommendation:** Recommend the City of Houston propose the Texas State Legislature authorize funding to reinstate the Department of Public Safety / TX Office of Court Administration task force charged with ensuring the efficient and effective transmission of mental health records to the National Instant Criminal Background Check System.

In the fall of 2011, the Texas NICS Record Improvement Task Force was established to develop strategic planning for the improvement of the quality and availability of prohibiting mental health adjudication and commitment records in Texas used by NICS. The Texas NICS Mental Health Record Improvement Plan, a requirement of the grant OCA received under the FY 2011 NICS Act Record Improvement Program, is the result of their work.

The work, completed in 2011, has not been evaluated in the years following release of the report. We recommend the creation of a task force to ensure records are continuing to be transmitted efficiently and effectively.

**Submitting Sub-Committee:** Gun Violence as a Public Health Issue

**Sub-Committee Chair contact information:** David Persse, MD

**Potentially impacted City departments:** N/A

**Statutory reference (if applicable):** N/A

**Background information, including potential legislative requirements, summary of supporting documentation, and method for obtaining research/data:** Supporting documents:

- Texas NICS Mental Health Record Improvement Plan Progress, Challenges, and Recommendations (2012): <http://www.txcourts.gov/media/273989/nics-record-improvement-plan-final.pdf>
- [House Bill 3352 \(81 R\)](#): Relating to the collection, dissemination, and correction of certain judicial determinations for a federal firearm background check.
  - Author: Naishtat | Rodriguez
  - Sponsor: Ellis
  - [Fiscal Note](#)
  - [Bill Language](#)

**Potential partners:** Texas Department of Public Safety

**Potential Opponents:** N/A

**Estimated financial impact (if applicable):** To be determined by the Mayor's Office of Government Affairs.

### **Expand the Speed and Use of the National Integrated Ballistics Identification Network (NIBIN)**

**Brief summary of recommendation:** The proposal is for the Harris County Sheriff's Office, the Houston Forensic Science Center, the Houston Police Department and the Harris County Institute of Forensic Sciences to better coordinate use of the National Integrated Ballistics Identification Network (NIBIN) to increase compliance with ATF's database standards. This is crucial to ensure all parties meet state accreditation and licensure requirements needed for evidence to be presented in court and meet the needed turnaround times.

NIBIN is an ATF-managed database of cartridge case images that allows crime laboratories to link the same firearm to different shootings. So, imagine CODIS \_ or the national DNA database \_ but for the world of firearms. Specifically, the NIBIN database is full of thousands of scanned images of fired cartridge cases. When an image is uploaded it automatically scans the other images that are in the local, regional and national systems that make up the entire database. If it “hits” against another image it is an indication a gun has been used in other crimes. This is crucial information for investigators because research has shown a small portion of the population is responsible for much of the gun crime and that guns typically move within family and local social groups (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4762247/>).

A Rutgers study of NIBIN data in New Jersey found that 89 percent of firearm linkages were from crimes that had occurred within one year. More importantly, 31 percent of linked events occur within 21 days and nearly a quarter occur within 14 days. This indicates a rapid turnaround time of NIBIN “hits” or links is necessary to maximize its impact as an investigative tool.

Finally, 75 percent of linked cases from the same agency occur within 1.9 miles of each other. The Rutgers study demonstrates it is possible, with enough data, to create predictive analytics that could potentially forecast the next cluster of shootings both in time and area.

Currently, HFSC is compliant with the ATF’s NIBIN target standards (Maximum Required Operating Standards), meaning the turnaround time on casings is 48 hours and five days for guns from the moment the lab receives the evidence. All NIBIN operators must be compliant by 2020. HFSC is also the single largest contributor to NIBIN in the region. But, even here in Houston, there is a significant amount of evidence that is neither collected nor entered into NIBIN.

The new ATF guidelines also make it more difficult for some agencies to use the system effectively, so the Texas DPS is no longer participating in the program, meaning many smaller agencies have no route to enter evidence into the database. The less evidence that is entered the less effective the database.

HFSC and HPD are trying to address this issue, but at root Houston needs additional NIBIN acquisition and viewing systems since the research clearly shows firearms largely remain within the same region. Fewer entries result in a weakening of the regional database \_ the part that offers the most investigative potential to law enforcement agencies.

Better coordination and collaboration will ensure that when HPD and other non-accredited agencies enter casings for investigative purposes the proper policies are in place to ensure the limited handling of evidence not likely to be used in court (e.g. found casings and NOT guns.) By having proper and collaborative policies in place, more **consistent and QUALITY data will be entered into NIBIN and predictive analytics will improve. Law enforcement will be better able to use NIBIN data not only to link**

**between crimes but also to predict where the next shootings might occur \_ allowing for preventive policing.**

**Submitting Sub-Committee:** Gun Violence as a Public Health Issue

**Sub-Committee Chair contact information:** David Persse, MD  
Subject Matter Expert: Peter Stout, PhD

**Potentially impacted City departments:** HISD Police, METRO, HPD and other law enforcement agencies

**Statutory reference (if applicable):** N/A

**Potential partners:** law enforcement, regional and COH. HFSC, HCIFS, ATF

**Potential opposition:** minimal. All are interested in faster NIBIN results. ATF is currently trying to expand the system.

**Estimated financial impact (if applicable):** ATF currently is intending to provide an additional BrassTrax system to HPD for entry of fired brass. Additional systems can be purchased for ~\$100k. HFSC currently has 4 NIBIN techs (in process of meeting licensure requirements for next calendar year). HPD has 2 NIBIN trained individuals who could perform NIBIN entry of specific items (e.g. casings from found scenes). Much of the projected impact is in logistical organization and improving communications between agencies to handle evidence.