Mass Shootings and the Mental Health System

Amy Barnhorst, MD
University of California, Davis
Department of Psychiatry

- Epidemiology of mass shootings
- Relationship between violence and mental illness
- Firearm law as it pertains to mental illness
- Cases of mass shooters and how they got guns
- What can be done in the future
2013 Firearm Homicides

Time Between Mass Shootings

http://www.motherjones.com/politics/2014/10/mass-shootings-increasing-harvard-research
Mass Shootings in U.S. vs. Other Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Fatality rate per 100,000, 2000-14</th>
<th>Mass shootings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
<td>0.34</td>
<td>1</td>
</tr>
<tr>
<td>Finland</td>
<td>0.17</td>
<td>2</td>
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<tr>
<td>Switzerland</td>
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<td>1</td>
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<tr>
<td>United States</td>
<td>0.13</td>
<td>133</td>
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<tr>
<td>Israel</td>
<td>0.05</td>
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</tr>
<tr>
<td>Germany</td>
<td>0.05</td>
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<td>South Africa</td>
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</tr>
<tr>
<td>Argentina</td>
<td>0.03</td>
<td>2</td>
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<td>England</td>
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<td>1</td>
</tr>
<tr>
<td>Russia</td>
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<tr>
<td>Canada</td>
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<tr>
<td>Australia</td>
<td>0.01</td>
<td>2</td>
</tr>
<tr>
<td>China</td>
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Source: Jady Schildkraut of the State University of New York in Oswego and H. Jay米 Etsias of Texas State University

THE WALL STREET JOURNAL
America should focus on mental health care, not new gun laws.
Are people with mental illness at increased risk for violence?
Are people with mental illness at increased risk for violence?

• Not really.....
• More likely to be victims of crime than perpetrators


....except under certain circumstances

• Beginning of psychotic illness
• Period surrounding psychiatric hospitalization


What is the increased risk of violence?

• Increased risk of violence with any major mental disorder

    OR 2.44


How does substance abuse factor in?

DRUGS ARE BAD
How does substance abuse factor in?

• Independent risk factor for violence
• Association between violence and mental illness seen largely attributable to increased substance abuse

Elbogen, et al. (2009). The Intricate Link Between Violence and Mental Disorder Results From the National Epidemiologic Survey on Alcohol and Related Conditions. Archives of General Psychiatry.

How does substance abuse factor in?

• Increased risk of violence with substance abuse (and no mental illness)
  
  OR 6.8

How does substance abuse factor in?

- Increased risk of violence with substance abuse AND mental illness

**OR 9.78**


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Serious mental illness contributes very little to overall violence towards others.....

**Population attributable risk** of minor or serious violent behavior towards others

- Serious mental illness: 4%
- Other factors that cause violence: 96%

What firearm laws target people with mental illness?

A Brief History of Federal Firearm Law
Common Law Origins

Second Amendment to the Constitution

"A well regulated Militia being necessary to the security of a free State, the Right of the People to keep and bear Arms shall not be infringed."
The Gun Control Act of 1968
The Gun Control Act of 1968

• Regulates firearm industry and owners
  – Requires federal licensure of firearm retailers (FFL)
  – Prohibits interstate trafficking of firearms
  – Prohibits ownership by minors
  – Prohibits ownership by “prohibited persons”
The Gun Control Act of 1968
Prohibited Persons

1) felons
2) fugitives from justice
3) unlawful users of or people addicted to controlled substances

The Gun Control Act of 1968
Prohibited Persons cont.

4) anyone “adjudicated as a mental defective” or who has been “committed to any mental institution”
5) illegal aliens
6) dishonorable dischargees from military
7) respondents to DV restraining orders
The Gun Control Act of 1968
Prohibited Persons cont.

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“Adjudicated as a mental defective”

A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:
(1) Is a danger to himself or to others; or
(2) Lacks the mental capacity to contract or manage his own affairs....
“Adjudicated as a mental defective”

....The term shall include

(1) A finding of insanity by a court in a criminal case; and

(2) Those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility

Case Law and “Committed to a Mental Institution”

• U.S. V. Hansel: observational hospitalization does NOT qualify as “commitment”

• U.S. v. Giardina: lengthy hospitalization prior to formal judicial proceedings does NOT qualify as “commitment”

• U.S. v. Rehlander: emergency hospitalization does NOT qualify as “commitment”
The Brady Act of 1993 and the NICS System

• Established national background check system for all FFLs: National Instant Check System (NICS)
State Reporting to Federal NICS Database

Virginia Tech and the NICS Improvement Act
“Adjudicated as a mental defective”

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NICS Improvement Act of 2007

• Provided financial support and incentive for states to report to NICS
• Implemented “relief from disability” mechanism for people disqualified to petition to get their guns back
• Reporting to NICS by states still voluntary
State Reporting to Federal NICS Database

• 2012: 30 states reported no mental health records to NICS
• Reasons: technology, inability to de-aggregate data, and HIPAA

What about in California?
California Firearms Law

5150 Involuntary Hold
5150 Involuntary Hold

• Allows for temporary removal of gun *in a person’s possession* when they are detained for an emergency psychiatric evaluation
• Does not trigger a purchase or ownership prohibition at the state or federal level

Admission for Dangerousness
State-level disqualification for 5 years if:

- *Admitted* to a mental institution for Danger to Self or Danger to Others
- *Committed* to a mental institution for Grave Disability (same as federal)

Tarasoff and Duty to Protect Statutes
Tarasoff and Duty to Protect

- Applies “where the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably identifiable victim”

- Prohibition recently increased from 6 months to 5 years
Laura’s Law and Involuntary Outpatient Treatment

• Initially firearm prohibition not specifically included
• 2013 resolution specified state-level firearm prohibition for duration of outpatient commitment
• 2013 Executive Order “clarified” that outpatient commitment had intended to be covered under “adjudicated as a mental defective” for federal prohibition
How do mass shooters still get guns?

Columbine High School, 1999
KSLTV Station Shooting, 1999

Virginia Tech, 2007
“Adjudicated as a mental defective”

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VA Statute

“involuntarily committed” or ruled mentally “incapacitated.”
Virginia Tech, 2007

Gabrielle Giffords Constituents Meeting Shooting, 2011
Navy Yard Shooting, 2013

Sandy Hook Elementary, 2012
Tarasoff and Duty to Protect

• Applies “where the patient has communicated to the psychoterapist a serious threat of physical violence against a reasonably identifiable victim”
The Gun Control Act of 1968
Prohibited Persons

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Charleston Church, 2015
If it’s not mental illness….what is it?

Pseudocommando / Narcissist

- Narcissism and entitlement
- Grandiosity
- Rage and grudge-holding
- History of bullying or social isolation
- Revenge and “personal agenda of payback”

Bath School Disaster, 1927

Pseudocommando / Narcissist

- Actions planned for long time (not impulsive)
- Act committed in daylight in public place
- Perpetrators arrive dressed in some type of warrior gear, armed with arsenal of weapons
- Personalized message broadcast through public media
- No escape plan

What can we do in the future?

CT Firearm Disqualifications

• After being disqualified, risk of committing violent crime if disqualification was for:
  – Mental illness only
    53% lower
  – Mental illness AND criminal history
    17% lower

Serious mental illness contributes very little to overall violence towards others.....

Population **attributable risk** of minor or serious violent behavior towards others

- **Serious mental Illness**: 4%
- Other factors that cause violence **96%**


**Violent Misdemeanants**
Violent Misdemeanants

- Became prohibited persons in CA in 1990
- Prohibition from owning a firearm reduced violent crime in this group by 30%


APPS Program

- 20,000 people in California who own weapons illegally
- 39,000 handguns
- 1,670 assault weapons
APPS Program

Firearm Restraining Order
Firearm Restraining Order

- Allows family members or police to petition to have a person’s guns removed based on a concern for violence in the near future
- Modelled closely after DVRO
- Signed by Governor September, 2014; went into effect January, 2016

Substance Abusers
Substance Abusers

SB 755
• Would have added people with two or more alcohol or drug-related offenses to list of prohibited persons
• Passed in Assembly and Senate, vetoed by Governor in 2013

Media Portrayal / Focus
• Concern for copycats
• Shift media focus from perpetrators to victims
Follman (2015) Inside the race to stop the next mass shooter. Mother Jones

Address general availability of firearms

Population of the world: 7.13 billion
Population of US: 4.43%

Civilian-owned guns in the world: 644 million
Civilian-owned guns in US: 42%

SOURCE: UNODC, Small Arms Survey, via The Guardian,
Take Home Points

• Mass shootings represent tiny fraction of firearm deaths in this country, but firearm deaths are a significant public health problem.
• To balance individual rights with community risk, firearm prohibitions must be both sensitive and specific.
• Targeting people with mental illness may not represent the most effective prohibition strategy.

THE END
Resources

• National Medical Council on Gun Violence
  http://nmcgv.org/
• The Trace
  http://www.thetrace.org/
• Behavioral Sciences and the Law Special Edition on Guns, Mental Illness and the Law
• Consortium for Risk Based Firearm Policy recs