

**A PROPOSAL TO REDUCE MASS KILLINGS IN THE UNITED STATES OF
AMERICA**

by
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ABSTRACT

Americans lose their life to mass killings in schools and public places annually, and the numbers continue to increase. 2017 was the most drastic year of mass killings since records indicate (over 20 years). My capstone focuses on the increase of mass killings and how the Law Enforcement Officers Safety Reform Act – 22 (LEOSRA-22) can help to decrease the number of family members lost in mass killings annually. The effectiveness and ineffectiveness of the current LEOSA that was passed in 2004 and the reforms passed since then fold into how LEOSRA-22 will be a public safety element. The facts are compiled to propose the reform of the current LEOSA to LEOSRA-22 by allowing qualified officer to carry their identified concealed weapon on school property and public places. The lengthy time it takes an on-duty LEO to respond to an active shooter often is too late, and many have died/injured. By implementing this reform and allowing more qualified Law Enforcement Officers (LEOs) to respond when and if in an area of an active shooter, they could potentially stop the threat. This proposal begins with an action forcing event, history of gun reforms, gun controls, and court cases, followed by the proposal, policy analysis, political analysis, and ends with my recommendation.

Capstone Advisor: Professor Paul J. Weinstein,

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MEMORANDUM

To: Senator Mitch McConnell

Topic: Reform of the Law Enforcement Officers Safety Act (LEOSA) to Reduce Mass Killings in United States of America

Date: November 30, 2021

From: Justin Trembl

ACTION FORCING EVENT

The United States yet again had another active shooter tragedy in San Jose, California.¹ On May 26, 2021, an employee massacred nine California city transit coworkers. Federal Bureau of Investigations and Gun Violence Archive reports there have been 333 Active Shooter incidents in the U.S. from 2000-2019, 40 in 2020, and 194 and increasing as of May 2021.^{2,3,4}

STATEMENT OF THE PROBLEM

The problem addressed in this paper is the increase of active shooters (mass shootings) in public locations buildings that lack resources to deter, stop, or reduce the number of victims in an active shooting.

There are certain events and accidents which last in the memory of nations for a very long time. These accidents, in many ways, define a country depending on how it is dealt with. They also represent the leadership of these nations as they must ensure that they

¹Jonathan Allen, "California Transit Worker KILLS 9, Extending U.S. Mass Shooting Epidemic," Reuters (Thomson Reuters, May 27, 2021), <https://www.reuters.com/world/us/police-respond-shooting-downtown-san-jose-california-2021-05-26/>.

²"Quick Look: 277 Active Shooter Incidents in the United States between 2000-2018," FBI (FBI, June 9, 2016), <https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-incidents-graphics>.

³"Active Shooter Incidents in the United States In 2020," Active Shooter Incidents in the United States In 2020 § (2021), <https://www.fbi.gov/file-repository/active-shooter-incidents-in-the-us-2020-070121.pdf>.

⁴"Active Shooter Incidents 20-Year Review, 2000-2019," FBI (FBI, May 31, 2021), <https://www.fbi.gov/file-repository/active-shooter-incidents-20-year-review-2000-2019-060121.pdf/view>.

do not happen again. The United States has seen terrorist activities for more than 30 years. One of the most defining events of the twenty-first century, was the 9/11 accident which had consequences for the entire world. There have also been many accidents involving active shooters, which have resulted in thousands of casualties throughout the year. In 2019 alone, there were 28 incidents in 16 states, reported by the F.B.I., resulting in 247 casualties.⁵ This increased from the previous year, which had seen 27 active shooting incidents reported by the F.B.I. and 213 casualties.⁶ This number is much higher if all the incidents which involve gun shootings are added, resulting in a very high number of deaths every year.⁷ An active shooter in a highly-populated area wearing armor and openly firing in public is a significant concern.⁸ Imagine such an accident in Times Square or any public region; imagine the number of casualties in such a location – a bloodbath. As a nation, we need to ensure that such events do not happen because they result in a loss of human life and leave a lasting memory.⁹

To tackle the challenges posed by modern terrorism, the United States spends millions of dollars to train people. The idea is to ensure that citizens' life and property are protected from any unforeseen accidents.¹⁰ One of the biggest threats, as discussed above, is posed by active shooters. While plenty of uniformed officers ensure that these active

⁵ Federal Bureau of Investigations, 2019, "Active Shooter Incidents in the United States": *FBI*, Accessed 09 November 202, <https://www.fbi.gov/file-repository/active-shooter-incidents-in-the-us-2019-042820.pdf/view>.

⁶ FBI. 2019. "Active Shooter Incidents in the United States in 2019", *FBI*, Accessed August 18, 2021. <https://www.fbi.gov/file-repository/active-shooter-incidents-in-the-us-2019->.

⁷ Ibid.

⁸ Alexei, Ainsin. 2018. "A Configurational Analysis Of 44 US Mass Shootings: 1975-2015", *International Journal Of Comparative An And Applied Criminal Justice*, 55-73.

⁹ Lin, Ping-I, and Lin Fei. 2018. "What Have We Learned From The Time Trend Of Mass Shootings In The U.S.?" *PLoS One* 13.

¹⁰ Reeping, Paul, M., Magdalena Cerda, Bindu Kalesan, J., Douglas Wiebe, Sandro Galea, and C., Charles Branas. 2019. "State Gun Laws, Gun Ownership, And Mass Shootings In The US: Cross Sectional Time Series." *bmj*.

shooters are taken down as soon as possible, it becomes challenging for Law Enforcement Officers (LEO) to ensure a quick response.¹¹ This means that most of the time, such incidents lead to the loss of human lives. To address this and to add to the protection for the citizens of the United States, an act by the name of Law Enforcement Officers Safety Act (LEOSA) was introduced in Congress in 2004 to add a level of security for the citizens of United States which allows the retired/separated/active officers of different law enforcement agencies to carry a concealed firearm off duty.¹² The idea is to ensure that citizens' life and property are protected from any unforeseen accidents. However, the issue is that the Act is not achieving its goals and many problems exist. The LEOSA Act needs to be amended to ensure that the LEO gets all the freedom they need to aid with public safety. This is important to ensure that mass shootings are immediately addressed as there are many serving and retired officers.

Gun Violence Problem in the United States

Gun violence is a daily occurrence that affects the lives of people all over the world. More than 500 people die every day as a result of gun violence.¹³ Anyone can be affected by gun violence, but in some cases, gun violence affects communities of color, women, and other groups who are marginalized in society.¹⁴ In some cases, the presence of guns can make people feel threatened and fear for their lives, with long-term adverse

¹¹ Fisher, Max, and Josh Keller. 2017. "What Explains Us Mass Shootings? International Comparisons Suggest An Answer." *The New York Times*, Accessed 12 November 2021, <https://www.nytimes.com/2017/11/07/world/americas/mass-shootings-us-international.html>.

¹² Congress.Gov, 2004, "H.R. 218 – Law Enforcement Officers Safety Act Of 2004", Congress.gov, Accessed 12 November 2021, Retrieved from <https://www.congress.gov/bill/108th-congress/house-bill/218>.

¹³ Hills-Evans, Kelsey, Julian Mitton, and A., Chana Sacks. 2018. "Stop Posturing And Start Problem Solving: A Call For Research To Prevent Gun Violence." *AMA journal of ethics*.

¹⁴ Winker, Morgan. 2020. "US gun violence and deaths."

psychological and physiological consequences for people and society as a whole.¹⁵ When people fear gun violence, it can adversely affect people's right to education or health care due to their fear of attending school or health facilities.¹⁶ If these same services are not fully operational due to gun violence in their community, it will limit those operations' support and aid.¹⁷ In the U.S.A., an estimated 134,000 people were shot and wounded in 2017.

Gun injuries often change lives and have an irreversible effect on the victims' long-term mental and physical health.¹⁸ Some need permanent, lifelong care, while many lose their ability to work, especially in the physical world. However, programs that provide adequate long-term care, rehabilitation, and retraining jobs are almost non-existent. The high number of gunshot wounds to victims, family members, and medical services has led to a chronic public health crisis - with very little government response. Access to affordable and high-quality health care services in the U.S.A. should include long-term needed interventions, including long-term pain management, rehabilitation, other support services, and mental health care.¹⁹

This means that gun violence is a significant problem because people who are not professionals have guns. This is the very reason that professionals and LEOs need to be free to carry and use their guns if needed to save lives. This is how LEOSA is going to prevent gun violence and reduce these instances significantly.

¹⁵ Yamane, David. 2017. "The sociology of US gun culture." *Sociology Compass*.

¹⁶ Barry, Colleen, L., Daniel, W. Webster, Elizabeth Stone, Cassandra, K., Vernick, S., Jon Crifasi, and E., Emma McGinty. 2018. "Public support for gun violence prevention policies among gun owners and non-gun owners in 2017." *American journal of public health* 878-881.

¹⁷ Ibid.

¹⁸ Rubin, Rita. 2016. "Mental health reform will not reduce US gun violence, experts say," *Jama*, Accessed 14 November 2021, <https://jamanetwork.com/journals/jama/article-abstract/2478216>.

¹⁹ Amnesty International. 2021, "Gun Violence – Key Facts". Retrieved from <https://www.amnesty.org/en/what-we-do/arms-control/gun-violence/>.

Shooting Incidents in the U.S. and the Importance of LEOSA

The United States has a massive number of bullets; in fact, it is a huge number that can cause significant havoc if someone tries to use it in the wrong way.²⁰ 2019 has had the highest shooting rate in any year since research teams began tracking. According to data collected from specific organizations, as 2019 ended, the United States saw more than four hundred shootings. These organizations collect a lot of data which includes any shootings data in the entire country. Most of these incidents were severe incidents and were indiscriminate killings.²¹

Defining mass shootings is essential, and most organizations define them as an incident that results in the killings of four or more people, but this must not include the person who is shooting. This is, however, not the official definition, and the Federal Bureau of Investigation (F.B.I.) did not have a formal definition of a mass shooting in 2015.²² A total of 417 people were killed in a series of high-profile shootings.

- One of the shootings that happened in Jersey City happened on December 10.

The attackers or the shooters were killed as the police responded to the attack and were shot. As a result of this, ten people were killed, and another three got injured. There were two police officers among those who got hurt.²³

²⁰ Pah, A., R., J. Hagan, A., L. Jennings, A. Jain, K. Albrecht, and A., J. Hockenberry. 2017. "Economic Insecurity And The Rise In Gun Violence At US Schools." *Nature Human Behaviour*.

²¹ Smith, Melissa, E., L., Tanya Sharpe, Joseph Richardson, Rohini Pahwa, Dominique Smith, and Jordan DeVlyder. 2020. "The Impact Of Exposure To Gun Violence Fatality On Mental Health Outcomes In Four Urban US Settings." *Social Science & Medicine*.

²² Jones, Michael, A., and W., George Stone. 2015. "The US Gun-Control Paradox: Gun Buyer Response To Congressional Gun-Control Initiatives." *Journal of Business & Economics Research*.

²³ Masters, Jonathan. 2017. "US Gun Policy: Global Comparisons." *Council on Foreign Relations*.

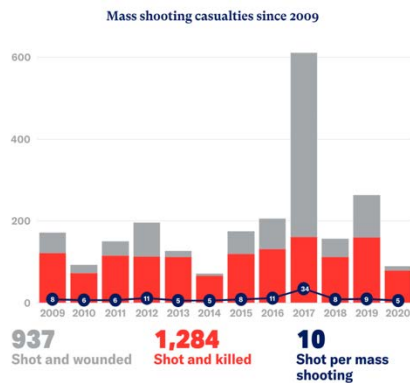


Figure 1: Chart of Mass Shootings Causalities

- Another happened in New Orleans, which was back in December, and as a result, more than ten people were injured.²⁴

- An accident in California occurred in Santa Clarita town, which was in November 2019.²⁵ This happened in a high school that

had young students wounded. The

perpetrator, in this case, was a 16-year-old student who, towards the end, killed himself by shooting himself in the head.

- In the Midland area of Texas during the month of August another accident occurred in the form of a shooting massacre. This incident resulted in the death of seven people and, at the same time, injuring another 24 people.²⁶

- August 4, 2019, the second mass shooting incident occurred in Dayton, Ohio. This resulted in the death of nine people and injured 27.²⁷

Though 2019 increased casualties from previous years, 2017 was the worst year in mass shooting history based upon casualties and incidents since 2009.²⁸ Figure 1 shows that in 2017 there were 34 incidents with over 600 people dead and wounded collectively.

²⁴ McLaughlin, Eliot., Hollie Silverman. December 2, 2019, "New Orleans Police Searching For Shooter Who Left 10 People Injured" CNN, Retrieved from <https://www.cnn.com/2019/12/02/us/new-orleans-shooting-monday/index.html>.

²⁵ Jason Hanna, Cheri Mossburg and Steve Almasy, 2019, "Two Teens Are Dead After A 16-Year-Old Gunman Shot 5 Classmates And Himself In 16 Seconds, Cops Say," CNN, Accessed 04 November 2021, <https://www.cnn.com/2019/11/14/us/california-school-shooting/index.html>.

²⁶ City of Santa Clarita. November 14, 2019. "Saugus Strong," Retrieved from <https://www.santa-clarita.com/city-hall/saugus-strong>.

²⁷ History.com Editor. 22 September 2021, "Dayton, Ohio Shooting Because Second Mass Shooting In A 24-Hour Period," Accessed on 14 November 2021, from <https://www.history.com/this-day-in-history/dayton-ohio-shooting-el-paso-texas-two-mass-shootings-24-hours>.

²⁸ Everytown, 2020, "Twelve Years of Mass Shooting in the United States," Everytown for Gun Safety Support Fund, Accessed 09 November 2021, <https://everytownresearch.org/maps/mass-shootings-in-america-2009-2019/>.

The perpetrators of mass shootings are always defined differently, but they can be ordinary people; however, many other statistics predict the number of common murders among law-abiding criminals. The unpredictable nature of mass shootings poses the challenge of accurately obtaining outstanding forecasts of danger and reducing statistical power to determine which policies can be used to minimize shootings or homicides. Implementing a comprehensive violence prevention strategy instead of focusing on the worst forms of such violence can reduce the risk of mass murder.

The mass shootings are few, but the severity of the issue is high, and while the number might seem small just looking at it, but it is very significant if we look at it from a bird's eye view. There is also another critical problem that must be considered, the impact it has on people around. The anxiety, mental health, and other issues that people go through leave a significant mark.²⁹ Therefore, it is vital that the country comes together and finds a solution to this problem. The problem is getting severe now, and most people have started to understand its severity. They know how painful this problem is, as many reports and incidents have left a considerable mark on the country and the public. It results in the loss of property and mental torture for many people around, so the government and leadership must come together to find a solution.

The first stage begins by describing mass shootings and using different meanings to reduce shooting and shooting rates.³⁰ After this, all of the outcomes in the literature are summarized on how the mass shootings take place along with the profile of the offenders, the types of firearms used and correlates in the community. The focus should be on how

²⁹ Morral, Andrew., Schnell, Terry., Tankard, Margret. 2018, "The Magnitude and Sources of Disagreement Among Gun Policy Experts," ISBN: 978-1-9774-0030-7.

³⁰ U.S. Secret Service, 2021, "Averting Targeted School Violence," National Threat Assessment Center.

these shootings impact the people of the United States and what can be done to find a long-term solution to the problem.

The government has never defined or qualified mass shootings as a standalone crime, so a standard definition does not exist. The F.B.I. introduced a definition to describe a major killer as someone who kills or murders four people or more but does not include suicide. Congress described a major incident of killings as one incident with killings of more than or equal to three people, which is different from the F.B.I. definition discussed above. However, this is not a definition of mass shootings and would include many other incidents as well. There is also no definition used for statistical purposes identified by the F.B.I. or Congress. The F.B.I. defined the killings to have an explanation for many other purposes and not specifically this. Therefore, the need for a national definition of mass shootings must be created. Equally, it must be concurrent across all stakeholders (government agencies, state and local police, reporters, and journalists) for legal purposes. This is because it would no longer be unstandardized or left to perception, which the agencies can quickly do.³¹

HISTORY

Problem Becomes Relevant

1999 held a tragedy that opened the eyes of many worldwide to public safety – the Columbine Massacre. Once the shooting began, the murders killed 13 people and wounded 21 people within 16 minutes. The response of LEO took three hours and 14 minutes to find the murders.³² From 1999 to today, hundreds of active shooters continue

³¹ Wamser-Nanney, Rachel, 2021, "Understanding Gun Violence: Factors Associated With Beliefs Regarding Guns, Gun Policies, And Gun Violence," *Psychology of Violence*.

³² Mark Obmascik, David Olinger, 2000, "Two Killers Rampaged As 6 Officer Awaited Aid," Columbine High School News, Accessed 14 November 2021, <https://extras.denverpost.com/news/col0516a.htm>.

to flood the streets—many of them in schools or public places. As Figures 2^{33,34} and 3³⁵ show, there is a great deal of access to educational locations, commercial buildings, open space, and government buildings that lack the potential to stop an active shooter from completing their task.

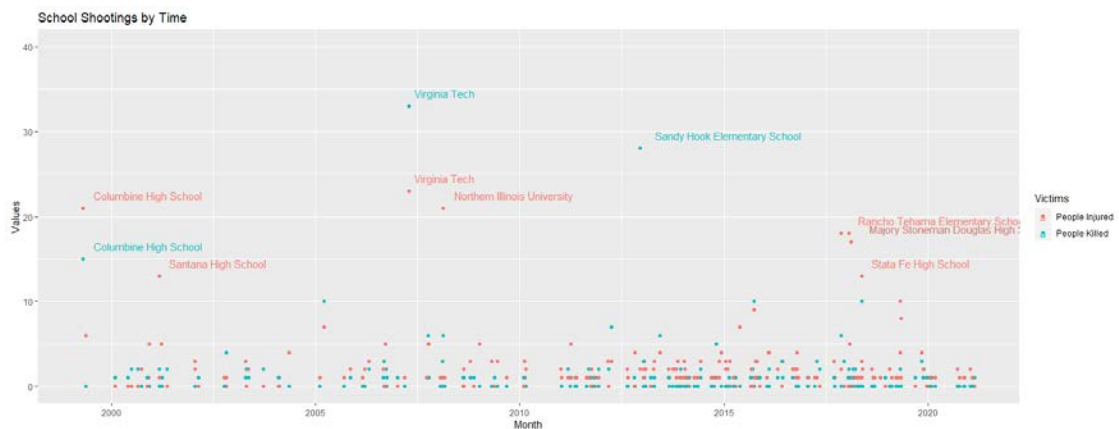


Figure 2: An Accumulation of Multiple Reference Blended To Provide A Visual Of School Shootings Since 1999

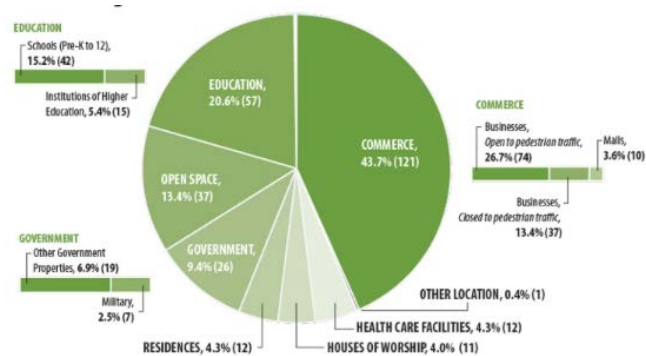


Figure 3: Active Shooter Incidents from 2000-2019 By Location

³³ "Gunfire on School Grounds in the United States", Everytown for Gun Safety, 2021, Accessed March 01, 2021, <https://maps.everytownresearch.org/gunfire-in-school/#17519>.

³⁴ Aliza Vigderman, and Gabe Turner, "A Timeline of School Shootings Since Columbine" Security.org, (December 2020), Accessed March 01, 2021, <https://www.security.org/blog/a-timeline-of-school-shootings-since-columbine/>.

³⁵ FBI. 2018. Quick Look: "277 Active Shooter Incidents in the United States from 2000 to 2018", Accessed on 24 September 2021, <https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-incidents-graphics>.

History of Policy Related to the Problem

The LEOSA was signed into law in 2004 by President George W. Bush. This law was created to allow active LEOs to carry concealed weapons when off duty. As a bipartisan agreement, there was an urgent need to stop the amount of violence happening in areas of the mass population (schools, places of work, and federal facilities, to name a few).

H.R.218 (also known as LEOSA) was signed, now Public Law 108-277. When the bill's language was created, the loosely written bill allowed states to interpret it to their desires. However, its intentions were for "qualified" LEO to carry a canceled weapon freely across all 50 states, including the District of Columbia and Puerto Rico - that did not happen.³⁶

LEOSA has multiple areas where the indirect verbiage has created more of a worry for LEOs to carry due to state-by-state interpretations. I will cover two of them now.

- 1) Gun-Free Zones – Introduced in 1989 to the House Judiciary, the H.R. 3757 Gun-Free School Zones Act of 1990 was approved. This Act was/is to apply a federal and criminal code to anyone that carries or discharges a firearm in public elementary or secondary school zones, with the exceptions of licensed or authorized individuals. The term licensed or authorized in this bill does not cover LEOSA, which is where part of the problem in the bill lies.
 - a. As a LEOSA carrier, if a parent/adult is picking up their child from school, the adult is carrying under LEOSA is not allowed to have their weapon on them. This limitation leads to two actions.

³⁶ Title 18 U.S. Code § 921 Definitions, 2021, Legal Information Institute, Cornell Law, Accessed on 24 September 2021, <https://www.law.cornell.edu/uscode/text/18/921>.

- i. The LEOSA carrier leaves their weapon and gun off property and unattended.
 - ii. The LEOSA carrier does not leave their weapon in the vehicle and disobeys the law.
 - b. NPR stated that reports of stolen guns in cars in Tennessee alone rose from 2,203 to 4,064 over a year from 2016-2017.³⁷
 - c. According to Charlotte Mecklenburg Police Department, in 2021 Charlotte, NC, there was a reported 65% spike in guns stolen from cars from May to June 2021.³⁸
 - d. Suppose a LEOSA carrier is allowed to carry in school zones. In that case, there is a possibility that if a violent action were to occur, they would be able to respond before the police, possibly eliminating the threat of a violent act decreasing the response time and saving lives. As Figure 3 shows, 20.6% of all active shooter incidents occur on school grounds.³⁹
- 2) Annual firearm certification inconsistencies – The bill provides general guidelines to what the term "qualified" means regarding the LEO's weapon certification.
- a. Active LEO. - "Meets standard, if any, established by the agency with requiring the employee to qualify in the use of a firearm regularly."⁴⁰

³⁷ Martin Kaste, 2019, NPR, "More Guns In Cars Mean More Guns Stolen From Cars," Accessed on 22 September 2021, <https://www.npr.org/2019/05/09/717178960/more-guns-in-cars-mean-more-guns-stolen-from-cars>.

³⁸ Kristi O'Connor, 2021, "Gun Thefts On The Rise In Charlotte," WBTV, <https://www.wbtv.com/2021/06/09/gun-thefts-rise-charlotte/>.

³⁹ FBI. 2018. Quick Look: "277 Active Shooter Incidents in the United States from 2000 to 2018", Accessed on 24 September 2021, <https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-incidents-graphics>.

⁴⁰ Congress.gov, 2004, "Public Law 108-277," Accessed on 24 Aug 2021, <https://www.congress.gov/congressional-report/111th-congress/senate-report/233>.

General language such as this allows for each state to make mandates.

Unfortunately for a federal law, this now creates inconsistencies and more variables for LEOSA carriers.

- b. Retired LEO. - The requirement for active and retired LEOs has one significant difference. Active LEOs state 'regularly' while retired mandates a '12-month period' for requalification.⁴¹
- c. Examples of inconsistent LEOSA qualifications by state
 - i. Missouri requires that the agency that the LEO works or worked for be the only agency that can approve a LEOSA carry. If that agency does not have a program, the LEO cannot carry under LEOSA. Out-of-state carrying LEOSA into Missouri must have reciprocity with their state.⁴²
 - ii. Alabama does not require an annual requalification for LEOSA carrier of a canceled handgun.

In 2010 President Barack H. Obama signed §. 1132 – Law Enforcement Officers' Safety Improvements Act into law immediately. This revilement of the Act allowed for Amtrack Police, Federal Reserve, the executive branch of the Federal Government, and retired LEOs to qualify under the LEOSA.⁴³

⁴¹ Ibid.

⁴² NRA-ILA, 2020, "Missouri Gun Laws," Accessed 25 September 2021, <https://www.nraila.org/gun-laws/state-gun-laws/missouri/>

⁴³ Congress.gov, 2010, "LEO Safety Act Improvements Act of 2010," Accessed on 01September 2021, <https://www.congress.gov/congressional-report/111th-congress/senate-report/233>.

LEOSA Court Cases

Multiple court cases that assisted in creating and approving the "Improvements" Act poked holes in the traditional Act of 2004. Not until assumed qualified LEOSA individuals were caught and confessed to carrying concealed under LEOSA allowed for a more clarifying Act.

The first criminal prosecution of a man who confessed to concealing the administration of rights under LEOSA took place in New York in *People v. Rodriguez*, Case 2917 (2006). Rodriguez was a full-time construction worker who also worked as a Pennsylvania Police Officer. He was arrested in New York City for possession of a firearm. He testified during the hearing that he was authorized, trained, and confirmed to carry a weapon in the state that the incident occurred. The Court ruled in favor of several Pennsylvania authorities that authorized security guards to carry firearms, arrest, enforce proceedings, and enforce the law. After LEOSA's application based on known facts, the Court dismissed Rodriguez's case. It ruled that he had been detained under section 926B even though the Constables were elected as police officers and lacked funds from the government.⁴⁴

Benjamin L. Booth, Jr., Case No. 2007-940 (2007), a district court in Orange County, New York, dismissed a criminal case against Booth, a member of the United States Coast Guard (U.S.C.G.), who was arrested with a firearm loaded in their car. The Court ruled that Booth was authorized to carry a firearm while serving as a boarding officer in the U.S.C.G.⁴⁵ In addition, he had a photographic identification card issued by

⁴⁴ Lowe, Sandra, 2012, "Surviving the Game: Burdens of Proof in Civil and Criminal Cases," SSRN 2029279.

⁴⁵ "The People of the State of New York v. Benjamin L. Booth," Jr., Defendant, 2007, Findlaw, Accessed on 17 September 2021, <https://caselaw.findlaw.com/ny-county-court/1295266.html>.

the U.S.C.G. and was a fully qualified LEO who met all conditions identified by LEOSA. He was not prosecuted.

Another U.S.C.G., Reserve Petty Officer Joseph Diaz, was arrested for carrying a firearm loaded in his car in San Fernando, California, in November 2007. However, the case was dismissed, and Diaz received \$ 44 million in the city on false charges. U.S.C.G. has issued an official directive to advise where U.S.C.G. personnel are covered by LEOSA and restrictions on the inclusion.⁴⁶

In addition to cases before 2010, there are consistently court cases presented to higher courts after 2010 due to the ambiguity of the LEOSA law. On June 3, 2016, the U.S. Court of Appeals Washington D.C. issued a decision (in a 2-1 decision) that the case brought by Ronald Duberry be returned to court. The Court ruled that the Department of Correctional Services in Washington D.C. cannot prevent retired officers from carrying illegal firearms, says the Security Administration Law Act of 2004 affirming that right. The Court rejected the city's claim that the law did not apply to correctional officers. The city said the officers did not have full powers to arrest them while on duty. The Court ruled that certain legal powers were required to arrest or intimidate (such as the power to arrest offenders on parole). In the Court's view established by Circuit Judge Rogers, the Court said, "In LEOSA., Congress defines "general technical law," including persons holding or contemplating imprisonment. See Bridge 25 Appellee."⁴⁷ Since each individual carried an I.D. card approving their retirement status and had at least ten years with their

⁴⁶ "State of Florida, Petitioner, v. Johnny DIAZ, Respondent," No. SC01-2779, Findlaw, Accessed on 18 September 2021, <https://caselaw.findlaw.com/fl-supreme-court/1378833.html>.

⁴⁷ Ronald Eugene Duberry, Et Al., V. "District of Columbia, 18-7108," United States Court of Appeals District of Columbia, Accessed on 18 September 2021, [https://www.cadc.uscourts.gov/internet/opinions.nsf/C597B9AFC9F6D20A852584010052C795/\\$file/18-7102-1788696.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/C597B9AFC9F6D20A852584010052C795/$file/18-7102-1788696.pdf).

department, the Court ruled that they were authorized to "arrest in L.E. capacity – each of them was protected under LEOSA.

LEOSA Has Evolved

In 2010, LEOSA was amended, known as the Law Enforcement Officers Safety Act Improvements Act of 2010, which specifically expanded the rights of LEOSA to include the employees of the different federal agencies.⁴⁸ There were provisions introduced for mental health screening and requirements, enhanced firearms qualifications, and the number of years of active law enforcement duty has been reduced to ten years for a LEO to qualify for LEOSA, enhancing the number of trained and qualified LEOs to carry. In addition, the definition of firearms was expanded to include any characters not prohibited by the National Firearms Act of 1934, which again allows the officers who are a part of the LEOSA to have more freedom.⁴⁹ This was important because many eligible officers had a problem in New York as they were prohibited from using hollow-point firearms in New Jersey and New York. This would exempt them and allow them to use it. The concept of "retirement" was replaced by "service," and the need for the retired officer to have the intangible right to retire benefits was removed.⁵⁰

In 2013, LEOSA was again amended by the National Defense Authorization Act (NDAA) for the Financial Year 2013, effective January 2, 2013, after President Obama

⁴⁸ Guzy, M.W, 2010, "Proposition A, Gendarme SLPOA," Accessed 02 September 2021, http://slpoa.org/Docs/Past_Issues_of_the_Gendarme_docs/G10_10.pdf.

⁴⁹ Stockholm, Barden, 2017, "The Expanded Application Of Forensic Science And Law Enforcement Methodologies In Army Counterintelligence." National University La Jolla United States, Accessed 01 September 2021, <https://apps.dtic.mil/sti/citations/AD1039740>.

⁵⁰ Janet Zakarian, "A Comparison of MMPI-2 Profiles of California Concealed Weapons Permit Applicants and Law Enforcement Applicants," PsyD diss., Alliant International University 2018, <https://www.proquest.com/openview/b52c6fd7d5221f71f31690541de28314/1.pdf?pq-origsite=gscholar&cbl=18750>.

signed Civil Law 112-239 (H.R. 4310).⁵¹ Section 1089 of the NDAA contained language that made it clear that the military and police are working under the government.⁵² This was done to clarify the definitions as there existed some ambiguity that needed to be clarified. The definitions of "qualified active" or "retired" law enforcement officers have the word police extending the definitions of warrants to have those empowered to arrest under the legislation, which was again a significant development for LEOSA officers.⁵³ Senator Leahy (D-VT), supporting the bill, mentioned that the Senate would add more officers from the military, which extends the trust they have in the military. He further added that community and defensive officers would be added, and they would be given similar rights as those of the other officers who fall under LEOSA.⁵⁴

Unsuccessful Attempts to Change

Since 2004 when the Act was signed, there have been consistent attempts to update and change the bill, but most failed. One of the first significant attempts was September 5, 2006, when Senator Mr. Leahy (D-VT) posed that LEOSA shall cover Amtrack officers and the executive branch - since the current bill did not. He posed that since Amtrack officers work with Joint Terrorism Task Forces, Joint Operations Centers in D.C., and the Federal Bureau of Investigations have authorized arrest powers, they are covered under LEOSA.⁵⁵ Chairman Leahy introduced this bill to the Senate Judiciary Committee and was

⁵¹ Congress.gov, 2013, "H.R. 4310 National Defense Authorization Act for Fiscal Year 2013," Accessed on 25 August 2021, <https://www.congress.gov/bill/112th-congress/house-bill/4310/text>.

⁵² Amanda Miller, "Destruction of Forensic Evidence Caused by Blue-on-Blue Shootings," Master's thesis, Texas Tech University, 2013, <https://ttu-ir.tdl.org/handle/2346/48921>.

⁵³ Congress.gov, 2013, "H.R. 4310 National Defense Authorization Act for Fiscal Year 2013," section 1089, Accessed on 25 August 2021, <https://www.congress.gov/bill/112th-congress/house-bill/4310/text>.

⁵⁴ Patrick Leahy, 2012, "Leahy Hails Senate Action on Law Enforcements Amendment, US Senator Patrick Leahy of Vermont," Accessed 03 September 2021, <https://www.leahy.senate.gov/press/leahy-hails-senate-action-on-law-enforcement-amendment>.

⁵⁵ Congress.gov, 2007, "S. Rept. 110-150 - Law Enforcement Officers Safety Act Of 2007," Accessed on 01 October, 2021, <https://www.congress.gov/congressional-report/110th-congress/senate->

not approved. Finally, after years of attempts, the reform from Senator Leahy was enacted in 2010 by President Obama.

Following attempts were in 2019-2021 by Congressman Bacon (R-NE). He has been pushing for reform. A few of the changes that have been suggested are removing Gun-Free School Zone Act coverage from LEOSA, allowing access to government buildings with a security level of 1 or 2, and access to any public space authorized by the general public.⁵⁶ Currently, Senator John Kennedy (R-LA) has passed Congressman Bacon's bill reform to the House Committee, and it is waiting for a vote.

In addition to failed legislation attempts, many incidents have included guns by LEO to non-white people living in America. Social media and media framing have increased the world's emotions to riot, lude, boycott, and protest against police and, subsequently, guns. The increase of public violence pushes the political aisle further apart. This section will not dive into this bill's political deliverance or political views (see Political Analysis Section).

Current Policy Review

This section will cover the current definitions, restrictions, requirements, and qualifications of the LEOSA starting from 2004 to the present, including the revisions that have occurred along the way.

Definition Of Qualified Officers Under LEOSA⁵⁷

Under LEOSA, eligible officers are those who,

[report/150/1?q=%7B%22search%22%3A%5B%22LEOSA+2004%22%2C%22LEOSA%22%2C%222004%22%5D%7D&s=4&r=6](https://www.kennedy.senate.gov/public/2021/5/kennedy-introduces-bill-to-expand-concealed-carry-rights-for-qualified-police-officers).

⁵⁶ Kennedy, John, "Press Release, 13 May 2021," Accessed 01 October 2021, <https://www.kennedy.senate.gov/public/2021/5/kennedy-introduces-bill-to-expand-concealed-carry-rights-for-qualified-police-officers>.

⁵⁷ Congress.gov, 2004, "H.R.218 - Law Enforcement Officers Safety Act of 2004," Accessed on 01 October 2021, <https://www.congress.gov/bill/108th-congress/house-bill/218>.

- i) Are entitled to perform and have ensured throughout their careers not to be engaged under any investigation or have anywhere broken the law under the different sections and codes of the United States or the Uniform Code of Military Justice (military codes).⁵⁸ They must also have followed the codes of the agencies that they worked for.
- ii) Are authorized by their agency to carry a weapon (a firearm).
- iii) Has not seen any disciplinary action resulting in his/her suspension from the department or the agency they worked.
- iv) Meets the standards established by the agency that requires the employee to be competent in the use of firearms.
- v) Not subject to the influence of alcohol or other intoxicating or sweet drugs
- vi) Has not been stopped to use or get a firearm by their department or agency.
- vii) Must have/carry an I.D. of a government of recipient identifying them as an officer of the department or agency.

Note: Also, the Act does not mention specifically that the officer must be fully employed, which necessarily means that all officers who are not permanent are considered equal in the legal application, as long as they are working and meet any of the other requirements that are there if they are not.

Retired/Separated Officers Under LEOSA

According to the legislation, a trained officer who has retired/separated must meet the following requirements. They must be someone who:

⁵⁸ Congress.gov, 2007, “S. Rept. 110-150 - Law Enforcement Officers Safety Act Of 2007”, Accessed on 01 October, 2021, <https://www.congress.gov/congressional-report/110th-congress/senate-report/150/1?q=%7B%22search%22%3A%5B%22LEOSA+2004%22%2C%22LEOSA%22%2C%222004%22%5D%7D&s=4&r=6>.

- i) Has retired/separated from an agency or department with a good service record.
- ii) Before they retired or left, they had the authority to participate or anticipate the arrest of people or execute law or arrest people when they break the law and worked on executing different military and legal codes.
- iii) Before they left, the officer had served for ten years or more with exemplary service and had a good service record with no disciplinary actions taken against him, which would render him/her ineligible.
- iv) These individuals within the last year must be qualified to use a firearm as determined by their agencies. They must also be considered qualified by the laws and regulations of the states that they reside. If such a qualification criterion does not exist, a technician or an expert must evaluate how good that person is using a firearm.
- v) Must not have been recognized or known to have any kind of mental health issues. They must not have any kind of record, which would make them unqualified because of their mental health. They must also not have been removed from the service because of mental health concerns, and they must also not identify with any of the major problems.
- vi) Must not be under any influence of substances like alcohol or anything intoxicating, which would render their judgment while carrying a firearm.
- vii) Has not been disallowed to carry or possess a firearm.

In addition, that person must:

- Always have a photo I.D. along with them, making sure that they are identifiable.
This identification must reveal that they were employed with a particular agency or

department which falls under the categories of LEOSA, and this identification must also ensure that they are both eligible to carry a firearm. They also did it while working in the department or agency of whose card they are carrying.

- Have a photo identification which would mention that the said individual has been separated from the agency or a department which he was once a part of; along with a certificate issued by the State where a person lives or is a certified firearms trainer entitled to inspect firearms by the State Police which indicates that the person, less than a year earlier than the person in possession of a concealed firearm, has been tested or found by the State within the State that they meet the applicable professional standards for using of the weapons (firearms) according to the requirements of the agency or the state. They must also only be carrying a firearm which they are allowed to do according to the standards set by the state, agency, or department in which they were employed.

The Act mentions that the officers do not have the exclusive right and do not provide the freedom to carry machine guns, destructive devices, or automatic weapons. 2004 Law Enforcement Officer (LEOSA) was a step to enforce the law as changes were made in 2010 and 2013 into how the officers can carry concealed firearms. LEOSA officers cannot take these weapons anywhere. This law does not include private property where the owner has specifically disallowed weapons of any kind such as university campuses, government offices, any such buildings, or carry for employment (executive protection). This is where the problem lies. The state can legislate to make carrying a gun for the LEOSA officers extremely difficult, defeating the bill's purpose.

Gun-Free School Act (G.F.S.A.) prohibits the possession of firearms within 1,000 meters of primary or secondary schools unless the state gives the person in possession of a firearm any authority to take such an action in the places where schools are located or the different divisions of the State.⁵⁹ Although LEOSA is enforced nationally in all the states, there are two major exemptions to that universality it has: "The first one is the state laws allowing private individuals or organizations to restrict or restrict access to hidden firearms in their territory" or "prohibits having a weapon in any State or local property, installation, construction, foundation, or park."⁶⁰ In addition, LEOSA does not supersede or bypass the areas around schools where guns are not allowed, which means the LEOSA officers cannot carry a concealed firearm in these regions. Officers who are not currently serving are not authorized to do so unless they have authority given by the state, and even then, must only do it if they are the resident of the state in which the school resides. People also need to consider the organizational rules and other policies limiting the possession of weapons at particular places and states and organizational rules that restrict carrying firearms on an aircraft.

The controversy is with the outcome and scope of the Act and whether it achieves the purpose it was designed. Some policies have emerged, limiting the freedom for an officer always to carry concealed, defeating the bill's design. Some people argue that this is not the case, and anything which supersedes the LEOSA is done just to add a layer of security. This is not recent, in fact, and while there was contemplation over LEOSA, there were many attempts made to have laws or instances which would supersede the LEOSA bill;

⁵⁹ Congress.gov, 1990, "S.2070 Gun-Free School Zones Act of 1990," Accessed on 2 October 2021, <https://www.congress.gov/bill/101st-congress/senate-bill/2070/text>.

⁶⁰ Giffords Law Center, 2021, "Guns in Public Gun Locations," Giffords Law Center, Accessed on 11 November 2021, <https://giffords.org/lawcenter/gun-laws/policy-areas/guns-in-public/location-restrictions/>.

however, this led to opposition to the Act from the International Association of Chiefs of Police, Police Executive Committee of Chief Investigators, and the American Mayors Conference, expressed as a contradictory opinion in a committee report. However, things have changed since then. In opposing LEOSA's transfer, Senator Kennedy dissented and said that "based on the example set by the U.S. Supreme Court, LEOSA as per the Supreme Court precedents: The bill removes the ability of police departments to enforce rules and policies on when and how their officers can carry firearms. Police chiefs will lose the authority to prohibit their officers from carrying certain weapons on-duty or off-duty."⁶¹ The second section of the bill very clearly states that even if there are any specific legislations in the state, if a particular individual fulfills all the requirements to carry a concealed weapon and has a photo identification proving that he is qualified, then that individual can carry a firearm. This is all following the precedents set by the Supreme Court of the United States of America.

Key Players

To pass legislation, key players revolve around gun lobbying associations, gun control associations, school boards, Secretary of Education, and elected Republican and Democratic officials. The final signature of approval will come from the President of the United States. Gun lobbying associations include but are not limited to NRA, National Shooting Sports Foundation, and all the police associations. Key players for gun control include Everytown for Gun Safety, American State Legislators for Gun Violence Prevention, and others who focus on keeping the U.S.A safe from gun violence.

⁶¹ Congress.gov, 2003, "LEOSA- Mr. Hatch, From the Committee On The Judiciary," Submitted The Following Report Together with Additional Minority Views, Accessed on 3 October 2021, <https://www.congress.gov/108/crpt/srpt29/CRPT-108srpt29.pdf>.

Additionally, Republican elected officials such as Congressman Bacon and Senator Kennedy are pushing for this Act reform.

POLICY PROPOSAL

The goal of the recommended policy is an attempt to increase public safety by decreasing the annual number of active shooter massacres (measuring from 2020) across all 50 states, including the District of Columbia, Puerto Rico, and Hawaii. Figure 4 indicates the finding provided by the F.B.I. in a line chart showing 40 active shooter incidents in 2020.⁶² This proposal will address the reform of the Law Enforcement Safety Act by creating a cohesive and concurrent regulation for all qualified LEO.s. The reform brings attention to spaces where active shooter massacres have transpired; schools, government buildings, federal parks, public property, and allowing employees to carry (executive protection). Overall, it offers a timelier response to stop the threat if an active shooter incident occurs by increasing the number of LEO.s that carry under LEOSA.

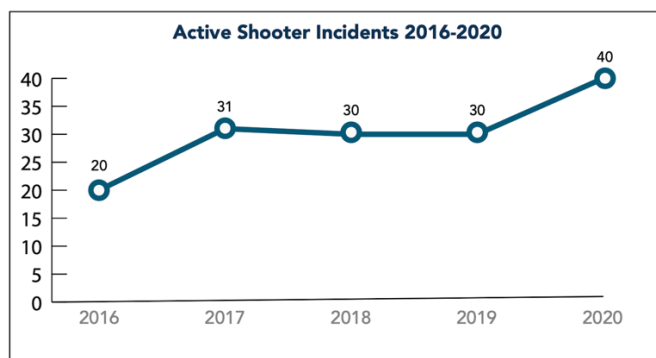


Figure 4: F.B.I. Summary of Active Shooter Incidents from 2016-2020⁶³

⁶² U.S. Department of Justice, 2020, “Active Shooter Incidents in the United States in 2020,” Accessed on 12 October 2021, <https://www.fbi.gov/file-repository/active-shooter-incidents-in-the-us-2020-070121.pdf/view>.

⁶³ Ibid.

Policy Authorization Tool

The proposed name of the Act is Law Enforcement Officers Safety Reform Act 2022 (LEOSRA-22). To pass the Act, it must: 1) Be assigned to a committee that will be released or not; 2) If passed, it will be passed through the Senate and House committee for another vote then; 3) To the House and Senate for final bill approval; 4) The bill then has ten days to be printed and signed or vetoed by the President to create the law (legislative).⁶⁴ The current LEOSA 2004, as stated in the history section, details the specifics of an active and retired LEO to qualify for LEOSA. The proposed legislation is on track to be signed by the President of the U.S.A. by the end of FY-Quarter 2, 2022 (March).

Senator Kennedy (R-LA) currently has a bill sitting at the Senate Parliamentarian that suggests, "the bill allows qualified active, retired, and separated law enforcement officers to carry concealed firearms and ammunition (including magazines and no stipulation on ammunition) in school zones; in national parks; on state, local, or private property that is open to the public; and in certain federal facilities that are open to the public."⁶⁵ These are the reforms that I am proposing in this document.

Policy Implementation Tool

LEOSRA-22 will be implemented by regulatory enforcement (law being passed). Currently, the LEOSA is the U.S.A. federally governed; however, many states/entities have implemented enhanced laws limiting qualified LEO from carrying universally through the U.S.A. Though this bill will be federally regulated within the U.S.A., the

⁶⁴ United States of Representatives, 2021, "The Legislative Process," United States House of Representatives, Accessed 24 October 2021, <https://www.house.gov/the-house-explained/the-legislative-process>.

⁶⁵ Congress.gov, 2021, "S/1610 LEOSA Reform Act," Accessed on 5 October 2021, <https://www.congress.gov/bill/117th-congress/senate-bill/1610?s=3&r=2&overview=open#content>

enforcement will come from the state, county, city, and local municipalities. Suppose someone is carrying under LEOSA illegally, they will fall under state jurisdiction and be charged under U.S. Code Title 18. LEOSA-22 does not apply to foreign destinations; local laws apply. Private executive protection personnel are not covered under LEOSA-22 while traveling outside U.S.A. soil. All LEOSA-22 LEOs must comply with Federal Aviation Administration (F.A.A.) laws while flying on public airlines (no concealed carry on board the plane). A LEOSA-22 LEO may carry on board a private airplane, pending F.A.A. regulations in the use of public airports and authorization by the owner of the private plane.

Budget Impact

The Department of the Navy's (D.O.N.) current LEOSA program shows as an example how the program is funded and will continue to be funded. Currently, the Department of Defense (D.O.D.) uses Defense Consultancy Services (D.C.S.). The LEOSA and the proposed LEOSA-22 are considered a "choice use" program – not mandatory. The D.O.D. pays zero contract dollars to D.C.S. to process the LEOSA documentation and provide the LEOSA identification card. Since there is zero pay from D.O.D., there is no cost impact. All the funding for LEOSA and the LEOSA-22 will come from the applicant.

Table 1 and 2 provides the price of different categories for a retired LEO. As an example, a retired Navy LEO that is authorized to qualify for LEOSA would have to pay (\$165 [Retired] + \$50 [fingerprints] + \$100 [State shooters course] + \$50 [initial NCDOJ fee] + \$50 [bullets] = \$415 for the first year. Then annually \$175 (shooters course, NCDOJ annual renewal, bullets).

Department of Navy's LEOSA. Cost (DCS-3 rd Party) ⁶⁶ (private impact)	
Active-Duty Navy (926B)	\$145
Renewal (every five years)	\$125
Retired Navy (926C)	\$165
Lost / Stolen	\$80
General Change	\$30
Category Change (926C to 926B)	\$80
Fingerprint (1 time)	\$50

Table 1: Department of the Navy's LEOSA Fees.

State of North Carolina (N.C.) Retired Separated ⁶⁷	
Shooters Course	\$100 ⁶⁸
North Carolina D.O.J. (initial) ⁶⁹	\$50
North Carolina D.O.J. (annual renewal)	\$25
Bullets (78 annually from a vendor of choice)	≈\$50

Table 2: Department of Justice North Carolina LEOSA Fees.

The D.O.N. currently only has one government employee, the Program Manager, that deals with LEOSA, and it is their collateral duty (not a primary duty).⁷⁰ In contrast, the state of N.C. has a division that processes the LEOSA application and credentialing to qualified and certified LEOs. The credentials process has a team in the DOJ, and currently, the process takes roughly 13 minutes for the state employee, which costs the state approximately \$7.50.⁷¹ The overall financial impact that benefits the state in 2018 is roughly \$1,735 annually (cost of employees – cost applied to the applicant) for a total of 804 new/renewal applicants. The applicant number increased to 852 in 2019, 718 in 2020

⁶⁶ Department of the Navy, 2021, “LEOSA,” Accessed 06 October 2021, <https://leosanavy.com..>

⁶⁷ Marrella, Teresa, 2009, “Firearms Qualification for Separated Law Enforcement Officers,” Accessed on 06 October 2021, <https://files.nc.gov/ncosbm/documents/files/DOJ10092012.pdf>

⁶⁸ Point Blank Range, 2021, “H.R. 218,” Accessed on 28 September 2021, <http://www.pointblankrange.com/hr218/>.

⁶⁹ NCDOJ, 2014, “Form-9R(6/14)Training and Qualification,” Accessed on 02 November 2021, <http://www.pointblankrange.com/hr218/>.

⁷⁰ Commander Navy Installation Commander, 2021, “LEOSA,” Accessed 60 October 2021, <https://www.cnmc.navy.mil/om/leosa.html>

⁷¹ Bob Overton, Concealed Handgun (CCH) Program; Retired LEOS Firearms Program Criminal Justice Standard Division, Telephone interview by Justin Treml, 7 October 2021.

(office closed due to COVID-19), and 861 through October of 2021.⁷² Overall the financial impact to the state is low, but the increase of those desiring to carry under LEOSA are increasing.

Though the LEOSRA-22 applies specifically to qualified LEOs, the impact will significantly affect America. It offers another deterrent to those that may consider mass violence. The deterrent of "possibly someone armed" may be enough to stop another potential massacre. I will discuss the political analysis later; however, it is essential to recognize that the states with the most occurrences of shootings are in Democratic popular states who desire more gun control = fewer guns overall (see Figures 6 & 8).

POLICY ANALYSIS

LEOSRA-22 is a controversial topic that falls directly in line with public safety and gun control. Even though there are great opportunities to help decrease mass shootings, the concerns and cons are equally as great.

LEOSRA-22 is not a permit; it is legislation. Though it is legislation, it has two qualifying portions to be a LEOSRA-22 carrier. The first is meeting the qualification of time in service, being of good standards from your agency, a recommendation from your agency, and a background check from the FBI database.⁷³ This will weed out people with legal issues, mental health issues, or other circumstances that may impede the proper handling and use of a concealed weapon. The second is passing the shooting course. Of the requirements, not only does the applicant need to be qualified to obtain the

⁷² Department of Justice, Criminal Justice standards Division, 2018, "Firearms Qualification for Separated Law Enforcement Officers," Accessed 25 October 2021, <https://files.nc.gov/ncosbm/documents/files/DOJ10092012.pdf>.

⁷³ AeLe.org, 2010, "Law Enforcement Officers Act of 2004," AeLe.org, 16 November 2021, <https://www.aele.org/hr218specimen.html>.

identification card, but the entire process provides stringent standards to finalize the process.⁷⁴ If this legislation is reformed, there will be a decline in mass shootings in schools and other public spaces compared to 2019.

Deterrence From LEOSRA-22 Carriers (Armed Personnel)

Con: While President Trump was in office, he proposed that schoolteachers become armed. This proposition was due to the increase in mass shootings in schools. During his proposition, a study showed that 47% of shootings are completed by someone who is suicidal and 20% killed by law enforcement.⁷⁵ Adam Lankford, a professor of the Department of Criminal Justice, The University of Alabama, Tuscaloosa, AL, found that many mass killers are planning to die and only want to inflict pain on others, regardless of the amount of security.⁷⁶ These numbers show that increased security would not stop or deter the suspect from continuing the mass shooting.

Another study conducted looked at all school shootings from 1980 to 2019. It showed that there is no causal link between less violence and the presence of a security guard.⁷⁷ The study continues to identify that because many mass shooter suspects are suicidal, there may be an incentive to conduct a shooting at schools with armed guards.⁷⁸

⁷⁴ Ibid.

⁷⁵ Kathrine Newman, Cybelle Fox, Wendy Roth, Jal Mehta and 1 more, 2005, "Rampage: The Social Roots of Schools Shootings," Basic Books.

⁷⁶ Adam Lankford, 2015, "Mass Murders in the United States: Predictors of Offender Deaths," The Journal Forensic Psychiatry and Psychology, Accessed 14 November 2021, <https://www.tandfonline.com/doi/abs/10.1080/14789949.2015.1054858?journalCode=rjfp20&>.

⁷⁷ Miranda Hester, 2021, "Can Armed Officers Reduce Injury and Death in School Shootings." Contemporary Pediatrics, Accessed 14 November 2021, <https://www.contemporarypediatrics.com/view/what-s-new-on-contemporary-pediatrics-november-15-to-19>.

⁷⁸ J Peterson, K Desnley, G Erickson, 2021, "Presence of Armed School Officials and Fatal and Nonfatal Gunshot Injuries During Mass School Shootings, United States, 1980-2019." JAMA Netw Open, Accessed 14 November 2021, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515>.

A Dixon, Illinois (2018) school had a student enter the facility and open fire. That school had an armed guard hired and on duty during this time frame.⁷⁹ From this report, the shooter (an attending student) continued to enter the school and began shooting while knowing there was an armed guard. The visually armed guard was not a deterrent for the shooter.⁸⁰

Pro: Mental health is a known and deeply studied issue for mass shootings, specifically school shootings. However, if mass shooters intend to kill as many people as possible, then commit suicide (mental health), the need to stop them from killing others still exists. The study from Desleny (above) may show an incentive for shooters to go to schools with armed guards employed. To deflect "incentive," if LEOSRA-22 is approved, then the violent shooters will not know who is armed, therefore decreasing the incentive effective

There could have been mass casualties in response to the Dixon shooting if someone with a weapon was not there to stop the threat. Increasing the amount of qualified LEOSRA-22 carriers can force multiply protection in schools that do not have armed guards. Studies show that shootings often happen at the beginning of the day, end of the day, end of the week, or during mass events.⁸¹ This time frame also aligns when more parents are dropping off and picking up their children, increasing the probability of

⁷⁹ Aamer Madhani, 2018, "Police: 'Heroic' Officer Thwarts Mass Shooting at High School in Dixon, Illinois," USA Today, Accessed 11 November 2021, <https://www.usatoday.com/story/news/2018/05/16/dixon-illinois-school-resource-officer-thwarts-mass-shooting/615519002/>.

⁸⁰ Alex Yablon, 2019, "Do Armed Guards Prevent School Shootings," The Trace, Accessed 14 November 2021, <https://www.thetrace.org/2019/04/guns-armed-guards-school-shootings/>.

⁸¹ Christina Walker, 2019, "10 Years. 180 School Shootings. 356 Victims." CNN, Accessed 14 November 2021, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515>.

a LEOSRA-22 carrier stopping a threat if it threatens themselves or others. Their ability to respond is a matter of public safety, not law enforcement.

Cost-Effective Approach

Pro: Though mass killings account for less than 1% of all gun violence, an argument can be posed that inducing this reform would bear low results.^{82,83} Due to the low financial impediment, introducing LEOSRA-22 would not cause an excessive deficit compared to other ideas—for example, a gun buyback program costs from \$200 to \$1000 per gun.⁸⁴ Nevertheless, gun violence costs Americans \$229 billion annually. For the first to be qualified and carry under LEOSA, it costs the user an average of \$400 (Table 2). That \$400 is put into the economy as a public safety investment. Another substantially expensive option to protect students is to arm educators in schools. US National Library of Medicine National Institutes of Health reports that it would cost roughly \$19.1 to \$22.6 billion annually.⁸⁵ The cost of this LEOSRA-22 would be effective for it will increase state funding.

Con: No other countries apply this specific law, so a comparative financial analysis is not available.

Unintended Consequences

Three main concerns consistently arise in conversation about concealed weapons.

⁸² Johnathan Metzel and Kennel MacLeish, “Mental Illness,” Mass Shootings, and the Politics of American Firearms, *American Journal of Mental Health*. 105-2 (2015), 240-249.

⁸³ Joint Economic Committee Democrats, “America Can’t Afford Gun Violence”, Accessed on 29 October 2021, https://www.jec.senate.gov/public/_cache/files/a8c89469-30a1-4b88-b3f5-0c5e54ad5df0/economic-impact-of-gun-violence-final.pdf.

⁸⁴ Champe Barton, 2019, “How Would and Assault Weapons Buyback Actually Work?,” *The Trace*, Accessed 12 October 2021, <https://www.thetrace.org/2019/09/assault-weapon-buyback-policy-cost-estimates/>.

⁸⁵ Sonali Rajan and Charles Branas, 2018, “Arming Schoolteachers: What do we Know? Where do we go from here?,” Accessed 12 October 2021, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5993409/>.

- 1) The first is the physical control of a gun: Multiple stories have been reported where a concealed gun falls out of the owner's holster, and they shoot themselves.^{86,87} Often this (with gunshot or not) will cause police to respond, taking resources off the street from a possible real emergency. Epically during school hours, this would cause fear if a child saw it, increasing resistance against LEOSRA-22 and concealed weapons in general.
- 2) Lack of Training: Currently, LEOSA and the proposed reform LEOSRA-22 only require the owner to shoot once a year.⁸⁸ Though it is often the same shooting course as active-duty officers, there is no required enhanced training (i.e., active shooter training, power-points of advanced tactics, mass shooting lectures, rapid deployment, and stress tests).⁸⁹ Training such as those keeps the physical skills of responding and the mental awareness at a scene. Active-duty officers will often time have more training and continue to refine their craft.⁹⁰
- 3) No one at a scene to respond: LEOSA and LEOSRA-22 are "at-will," meaning the qualified officer chooses to partake in this legislation. If every retired officer were to carry under LEOSRA-22, what is the probability of one

⁸⁶ Jacob Paulsen, 2015, "Gun Falls Out to the Ground at Tampa Theater," Concealedcarry.com, Accessed 17 November 2021, <https://www.concealedcarry.com/safety/gun-falls-out-onto-ground-at-tampa-movie-theater/>.

⁸⁷ John Metcalfe, 2014, Americans Who Carry Concealed Weapons Keep Shooting Themselves in the Bathroom," Bloomberg, <https://www.bloomberg.com/news/articles/2014-09-17/americans-who-carry-concealed-weapons-keep-accidentally-shooting-themselves-in-public-bathrooms>.

⁸⁸ Attorney General of North Carolina, 2021, "Retired Law Enforcement Officers Firearms Course," Accessed 14 November 2021, <https://ncdoj.gov/law-enforcement-training/criminal-justice/training-certification-programs/retired-law-enforcement-officer-firearms-certification/>.

⁸⁹ Buffalo State University Police, 2021, "Active Shooter Response and Procedures," Buffalo State University Police, Accessed 14 November 2021, <https://police.buffalostate.edu/active-shooter-response-and-procedures>.

⁹⁰ Seattle Police, 2020, "Firearms Training and Qualifications, Seattle Police," Accessed 04 November 2021, <https://www.seattle.gov/police-manual/title-9---equipment-and-uniforms/9065---firearms-training-and-qualification>.

being at a school when shooting is happening? North Carolina Department of Justice reports there were 120 initial qualifications in 2019 and 143 in 2020.⁹¹ With the initial LEOSA cardholder consistently increasing, there are 781 LEOSA carriers in NC as of 2020.⁹² There are roughly 10,433 K-12 schools in NC.⁹³ Additionally, there are 70 colleges (public and private). 70 does not include the multiple campuses and buildings on campus.⁹⁴ The number of LEOSRA-22 carriers does not come close to the number of schools in NC.

Police Resources to Response Time

Pro: In 2015, 2.7 per 1,000 inhabitants⁹⁵ were LEOs, decreasing to 2.4 per 1,000 inhabitants in 2019.⁹⁶ Though there is a decrease of .3% in LEOs against the community, the population increased by 6.3 percent, roughly 19.5 million people since 2015.⁹⁷ Data shows an increase in LEOs retiring or separating early due to civil unrest and increased police charges.^{98,99} Due to the increase of retired/separated LEOs, and a decrease of police

⁹¹ Richard Squires, Deputy Director of North Carolina Department of Justice Criminal Justice Standards Division, interview with Justin Trembl, 17 November 2021.

⁹² Ibid.

⁹³ Great Schools, 2021, "North Carolina Schools," Great Schools, Accessed 12 November 2021, <https://www.greatschools.org/north-carolina/>.

⁹⁴ NorthCarolina.gov, 2021, "About NC," NC.gov, Accessed 11 November 2021, <https://www.nc.gov/about>.

⁹⁵ FBI, 2015, "Police Employee Data," FBI, Accessed on 29 October 2021, <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/police-employee-data/police-employee-data>.

⁹⁶ FBI, 2019, "Police Employee Data," FBI, Accessed on 29 October 2020, <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/police-employee-data>.

⁹⁷ United States Census, 2019, "Population Estimates July 1, 2019," United States Census, Accessed 7 October 2021, <https://www.census.gov/quickfacts/fact/table/US/PST045219>.

⁹⁸ Neil, MacFarquhar, 2021, "Departures of Police Officers Accelerated During a Year of Protests," The New York Times, Accessed 07 October 2021, <https://www.nytimes.com/2021/06/11/us/police-retirements-resignations-recruits.html>.

⁹⁹ Joe St, George, 2020, "Interview By Rob Pride (Fraternal Order Of Police), Police Officers Warn Of Cops Retiring Early If Reforms Go Too Far," The Denver Channel, Accessed 01 October 2021, <https://www.thedenverchannel.com/news/america-in-crisis/police-officers-warn-of-good-cops-retiring-early-if-reforms-go-too-far>.

per capita, the response time to mass killing locations from active LEOs will decrease.¹⁰⁰

In 2020-2021 there is an increase of 45% in retirements and a 5% decrease in hiring.¹⁰¹

Introducing this reform will increase the number of people that can respond to mass shootings (active shooters) and stop the threat, decreasing the number of casualties.

Foreign Counties Comparison

Con: A comparison with the rest of the world's authorization for gun laws show that many countries do not allow their active-duty officer to carry guns at all, more so while off duty. Not one other country allows for retired or separated officers to carry a concealed handgun legally through the country's borders.

The most recent event was in March of 2021 in France. France increased their layers of public safety by allowing police to carry weapons off duty, Article 24. Off-duty police officers can now carry in establishments open to the public, including schools, museums, and shopping centers.¹⁰² The legislation was passed with a vote of 214 to 121.¹⁰³ Even though what seems to be a strongly supported vote, the country continues to debate political conversations from both sides of parliament.

Similarly, France and the U.S.A., in conversation to gun control, have common political debates and opposing views – Do more guns help or hurt?¹⁰⁴ In concert with the

¹⁰⁰ James McCabe, 2013, "An Analysis Of Police Department Staffing: How Any Officers Do You Really Need?," ICMA Center for Public Safety Management, Accessed 19 September 2021, https://icma.org/sites/default/files/305747_Analysis%20of%20Police%20Department%20Staffing%20_%20McCabe.pdf.

¹⁰¹ Police Executive Research Forum, 2021, "Survey on Police Workforce Trends, Police Executive Research Forum," Accessed 12 October 2021, <https://www.policeforum.org/workforcesurveyjune2021>.

¹⁰² Aude Mazoue, 2021, "France's Senate Approves The Right Of Police To Carry Weapons Off Duty," France 24, Accessed 11 November 2021, <https://www.france24.com/en/europe/20210320-france-s-senate-approves-the-right-of-police-to-carry-weapons-off-duty>.

¹⁰³ Tony Winterburn 2021, "France's Senate Passes Security Law That Allows Off-Duty Police Officers To Carry Firearms," Accessed 05 November 2021, <https://www.euroweeklynews.com/2021/03/20/frances-senate-passes-security-law-that-allows-off-duty-police-officers-to-carry-firearms/>.

¹⁰⁴ David Hemenway, 2016, "Guns," Science Vs, SoundCloud, Accessed 24 October 2021, <https://soundcloud.com/science-vs/guns>.

U.S.A., there is a split of supporters and critics in the allowance of off-duty cops carrying in any location.¹⁰⁵ Though active duty LEOs in France have always taken their weapon off duty (with leadership approval), this will open it up to all LEOs at their discretion.

Though this Article only focuses on active LEO concealed carry off-duty, it is a step to help with gun violence and mass shootings within France. The more countries that increase LEOs authorization to carry off duty will aid in force-multiplying for public safety. Below is a comparison of other gun laws (not concealed carry) and the number of mass killings (identified by FBI as three or more killed in a public place)¹⁰⁶ documented from January 2017- November 2021 in (NATO and non-NATO) ally countries globally.

Canada¹⁰⁷

- 28-day wait period for purchase
- Mandatory safety training courses
- Enhanced background checks
- Bans on large-capacity magazines
- Restricted laws on handguns

¹⁰⁵ Vishal Tiwari, 2021, "France Passes Article 25 of Security Law Allowing Off-Duty Officer To Carry Weapons," Republic World, Accessed 05 October 2021, <https://www.republicworld.com/world-news/europe/france-passes-article-25-of-security-law-allowing-off-duty-officers-to-carry-weapons.html>.

¹⁰⁶ FBI, 2021, "Active Shooter Resources," FBI, Accessed 18 October 2021, <https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-resources>

¹⁰⁷ Government of Canada, "Firearms Act (S.C. 1995, c. 39)," Justice Laws Website, Accessed 12 October 2021, <https://laws-lois.justice.gc.ca/eng/acts/f-11.6/>.

- Mass killings since January 2017 – four totaling 37 deaths¹⁰⁸. The deadliest was in April 2020, when Gabriel Wortman dressed up as a police officer and left 18 dead and homes smoldering in ruins.¹⁰⁹

Australia¹¹⁰

- Prohibits automatic and semiautomatic assault rifles
- Required license and registration
- Handgun purchase tightened
- Mass killings since January 2017 – two totaling ten deaths (case of Hoffmann still ongoing)^{111,112}. Though Australia has not had a significant issue with mass killings (public places), they have a problem with domestic violence.

Domestic violence is a sizeable contributor to the violence in Australia.¹¹³

Israel¹¹⁴

- Indirect access to assault weapons (military)

¹⁰⁸ Staff of Canadian Press, 2020, “A Look at Some of the Deadliest Mass Killings in Canada since the 1970s,” The Canadian Press, Accessed 02 October 2021, <https://globalnews.ca/news/6840650/mass-killings-canada/>

¹⁰⁹ Rob Giles, April 2020, “Rampage Leaves 18 Dead in Canada’s Worst Mass Shooting,” AP News, Accessed 19 September 2021, <https://apnews.com/article/virus-outbreak-shootings-ap-top-news-international-news-crime-52e7e00fdf738a653a57801e4d5b2a23>.

¹¹⁰ Will Oremus, 2017, In 1996, “Australia Enacted Strict Gun Laws, It Hasn’t Had A Mass Shooting Since,” Slate, Accessed 12 October 2021, <https://slate.com/news-and-politics/2017/10/australia-enacted-strict-gun-control-laws-after-a-horrific-mass-shooting-in-1996-it-worked.html>.

¹¹¹ Jacqui Hawkins Coroner, 2020, “Finding Into Death with Inquest, Coroners Court of Victoria at Melbourne,” Accessed 27 October 2021, https://www.coronerscourt.vic.gov.au/sites/default/files/2020-11/Bourke%20Street%20Coronial%20Finding%20-%20Digital_1.pdf.

¹¹² Aaron Bunch, 2021, “Confronting Moment Crazy Gunman Accused Of Shooting Death Four Men In A Rampage Across A City While Looking For His Girlfriend Calls Police And Makes A Tearful Confession,” Daily Mail UK, Accessed 26 October 2021, <https://www.dailymail.co.uk/news/article-10043605/Darwin-shooter-Ben-Hoffmann-called-police-admit-killing-rampage-killed-four.html>.

¹¹³ Parliament of Australia, 2015, “Domestic Violence: Issues and Policy Challenges, Parliament of Australia,” Accessed 22 October 2021, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/DVIssues.

¹¹⁴ Firearm Licensing Department, 2019, “Firearm Licensing in Israel”, Ministry of Public Security, Accessed 12 October 2021, <https://www.gov.il/en/Departments/General/firearm-licensing-information>.

- Assault weapons ban for civilians
- Minimum age (citizens 27 w/ no experience, 21 for prior military, 45 for permanent non-citizens)
- Show proof of need
- Mass killings since January 2017 – Countless rocket attacks and waves of internal conflict between people from the Gaza Strip to the Israeli side have continued since 2015, killing hundreds.¹¹⁵

United Kingdom (police do not carry sidearms)

- Firearms Act – semiautomatic rifles ban
- Snowdrop Petition banned handguns¹¹⁶
- Mass killings since January 2017– five totaling 46 deaths. The largest was the Manchester Arena bombing which killed 22 and wounded 800.¹¹⁷

Norway – police do not carry a weapon¹¹⁸

- 18 years old to purchase
- Provide a valid reason for gun
- Obtain government license
- Prohibit of pistols (still in legislation review and expected approval in 2021)¹¹⁹

¹¹⁵ State of Israel, 19 September 2021, “Wave of Terror 2015-2021,” Israel Ministry of Foreign Affairs, Accessed 14 October 2021, <https://mfa.gov.il/mfa/foreignpolicy/terrorism/palestinian/pages/wave-of-terror-october-2015.aspx>.

¹¹⁶ Early Day Motions, 1996, “Snowdrop Petition,” UK Parliament, Accessed 12 October 2021, <https://edm.parliament.uk/early-day-motion/12238/snowdrop-petition>.

¹¹⁷ Bob (Lord) Kerslake, 2017, The Kerslake Report, “Independent Review of Greater Manchester’s Attack,” Accessed 24 October 2021, https://www.jesip.org.uk/uploads/media/Documents%20Products/Kerslake_Report_Manchester_Are.pdf.

¹¹⁸ Michael Brady, 2020, “Guns in Norway,” The Norwegian American, Accessed 12 October 2021, <https://www.norwegianamerican.com/guns-in-norway/>.

¹¹⁹ The Local, 2011, “Panel proposes tighter gun laws after massacre,” The Local, Accessed 12 October 2021, <https://www.thelocal.no/20111206/norway-panel-proposes-tighter-gun-laws-after-massacre/#.UNSF0-SdN2A>

- Prohibit semiautomatic weapons (still in legislation review and expected approval in 2021)¹²⁰
- Mass killings since January 2017 – one is totaling five deaths. There are so few in Norway. In 2021 a man shot five people with a bow and arrow. However, the prominent and prevalent killing in Norway, Anders Breivik, killed 77 people at youth summer camp in 2011.¹²¹

Japan¹²²

- Only guns allowed are shotguns, air guns, guns with specific research of industrial purposes, or competition
- Inform authorities how firearms and ammunition are stored
- The annual inspection of a gun to authorities
- Mass killings since January 2017 – three totaling 45 deaths. Gun violence is currently not a threat to Japan. Arson and stabbings lead the approach to mass killings. In 2019 there were 93 incidents firearm-related.¹²³

Except for Israel, Norway, the United Kingdom, Australia, France, and Canada, there is a low gun violence issue and a drastically lower count of mass killings than in the U.S.A. France is the only country moving forward with increased public safety measures

¹²⁰ Ibid.

¹²¹ Douglas Linder, 2020, “Anders Breivik (Norway Massacre) Trial,” An Account, Famous Trials, Accessed 05 October 2021, <https://famous-trials.com/breivik/2570-anders-breivik-norway-massacre-trial-an-account>.

¹²² Mark Alleman, 2000, “The Japanese Firearm and Sword Possession Control Law, Translators’ Introduction,” Pacific Rim Law & Policy Journal Association, Accessed 12 October 2021, <https://www.hoplophobia.info/wp-content/uploads/2014/05/THE-JAPANESE-FIREARM-AND-SWORD-POSSESSION-CONTROL-LAW.pdf>.

¹²³ National Police Agency, 2020, “Police of Japan, National Police Agency,” Accessed 21 October 2021, https://www.npa.go.jp/english/Police_of_Japan/2020/poj2020_full.pdf.

by providing off-duty law enforcement officers, as a force multiplier, with the authorization to carry concealed weapons.

Administrative Capacity

Con: Currently, administrative consistencies do not exist in all the states.

Alabama, Alaska, Arizona, Hawaii, Indiana, Missouri, Montana, New Jersey, Ohio, Oklahoma, Puerto Rico, Rhode Island U.S. Virgin Islands, Vermont, Washington, and West Virginia either do not require certifications to carry, provide LEOSA identification, or do not adhere to providing authorization to certain LEOs in specific jurisdictions (i.e., campus police).¹²⁴ Additionally, staff would have to be hired if LEOSRA-22 is approved. Each city, county, or state would require an increased number of gun range coaches to qualify the LEOSRA-22 applicant. The state would also have to create/hire a team to create the state law, procedures, receive the funds from the applicant, create and issue identification cards, and build a tracking system. Table 2 provides increased information on the average income the state would receive from each applicant.

POLITICAL ANALYSIS

The main stakeholders in passing the LEOSARA-22 into legislation include public safety advocates, gun rights advocates, law enforcement agencies, active and retired LEOs, school boards, D.O.J., Congress, and the President of the U.S.A. Public safety advocates such as School Safety Advocacy Council, First Responder Network Authority, Moms Demand Action for Gun Sense in America, and Everytown for Gun Safety are all parties that would be vital to the success of this Act.

¹²⁴ Daigle Law Group, 2019, “LEOSA State By State: Why Are Retired Police Officers Having Problems?,” Daigle Law Group, Accessed 27 October 2021, https://daiglelawgroup.com/wp-content/uploads/2019/08/19-32_LEOSA-state-by-state-Why-are-retired-police-officers-having-problems.pdf.

All three existing legislative laws covering LEOSA have been approved and passed at a bi-partisan vote. Rep Randy Cunningham (R-CA) introduced the original LEOSA Bill to the House of Representatives in 2003 and signed it into law shortly after.¹²⁵ The Law Enforcement Officers Safety Act Improvements Act of 2010 was sponsored by Sen Patrick Leahy (D-VT) and passed the Senate Majority and House Majority of democratic temperature – to include the Senate President, (current USA President) Joe Biden. In addition, the Judiciary Committee for LEOSA was formed of Democratic and Republican senators (bi-partisan).¹²⁶ The history of LEOs and the amendments thus far have been primarily bipartisan. However, the U.S. has increased in segregation over the past few years. Democratic parties are moving further from adding more guns on the streets, and Republicans have increased the need for more qualified and trained gun users to help stop the increase of violence and massacres from mentally disabled people, terrorism, and other active shooter instances.

Current Negative Publicity

The National Rifle Association (NRA), the largest gun lobbying group in the U.S.A., has been a massive proponent of LEOSA and would be an activist for LEOSRA-22. However, the allegations of CEO Wayne LaPierre and his lavish spending will not bring a favorable image to any proposed laws that would enhance the numbers of guns on the street, regardless of the user.¹²⁷ New York's state attorney, a unified Democratic State, is

¹²⁵ Congress.gov, 2004, “H.R.218 Law Enforcement Officers Safety Act of 2004,” Congress.GOV, 11 October 2021, <https://www.congress.gov/bill/108th-congress/house-bill/218>.

¹²⁶ Congress.gov, 2010, “Law Enforcement Officers Safety Act Improvements Act of 2010,” Congress.Gov, 08 October 2021, <https://www.congress.gov/congressional-report/111th-congress/senate-report/233>.

¹²⁷ Steve Inskeep, 2021, “Misfire' Takes A Hard Look At Nepotism, Fraud And Corruption In The NRA,” NPR, Accessed 03 November 2021, <https://www.npr.org/2021/11/02/1051363337/misfire-takes-a-hard-look-at-nepotism-fraud-and-corruption-in-the-nra>.

attempting to dissolve the NRA. Before the alleged scandal, reports state, there were roughly 5 million members.¹²⁸ Since the apparent allegations against the CEO, board members have been resigning, and members have been detaching from the NRA, decreasing revenue and buy-in.^{129,130} In 2010 you declined NRA contributions which will not allow¹³¹ your viewpoints to be skewed from their current situations.

In addition to the NRA, the January 6th Capital Hill Riot also has a significant negative effect on LEOSRA-22 or any legislation that will allow any increase of guns on the street. Part of the support group and noteworthy parties that will help pass this bill are organizations like NRA and other LEO organizations. Unfortunately, in our current unrest and the divide of the U.S.A. society, the support of any LEO having a weapon – even more so off duty or retired – is decreasing in popularity due to Jan 6th Capital Hill Riot.¹³²

Implementation Feasibility

Pro: LEOSRA-22 is a reform of a current bill (LEOSA). Having the opportunity to change, enhance, and expand the already proposed law may receive more bi-partisan positive responses. President Bidon stated a "strategy and guidance to help state, local,

¹²⁸ Marry Ellen Cagnassola, 2021, "NRA Adds About 225K Paying Members Since January, Now Has Over 5M Registered," News Week, Accessed 03 November 2021, <https://www.newsweek.com/nra-adds-about-225k-paying-members-since-january-now-has-over-5m-registered-1598678>.

¹²⁹ Beth Reinhard, 2021, "Three NRA Board Members Resign In Latest Sign Of Upheaval At Gun Rights Group," The Washington Post, Accessed 03 November 2021, https://www.washingtonpost.com/politics/three-nra-board-members-resign-in-latest-sign-of-upheaval-at-gun-rights-group/2019/08/01/aad49bc0-b49d-11e9-8f6c-7828e68cb15f_story.html.

¹³⁰ Every Town for Gun Safety Support Fund, 2021, "Broken & Bankrupt: The NRA in 2021," NRA Watch, Accessed 02 November 2021, <https://nrawatch.org/report/the-continued-decline-of-the-nra/>.

¹³¹ On The Issues Every Political Leaders on Every Issues, 2021, "Mitch McConnell on Gun Control," On The Issues, Accessed 01 October 2021, https://www.ontheissues.org/Domestic/Mitch_McConnell_Gun_Control.htm.

¹³² Kimberly Kindy, Dim Bellware, and Mark Berman, 2021, "Off-Duty Police Were Part Of The Capital Hill Mob. Now Police Are Turning in Their Own, The Washington Post, Accessed 14 November 2021, https://www.washingtonpost.com/politics/police-trump-capitol-mob/2021/01/16/160ace1e-567d-11eb-a08b-f1381ef3d207_story.html.

territorial, and tribal governments get the money they need to put more police officers on the beat."¹³³ The Biden administration continues to highlight a need for increased training.

Cons: Currently, because of a robust political divide, this bill would be difficult to pass. Chairman Sensenbrenner opposed the legislation stating, "would override State laws and mandate that retired and active police officers could carry a canceled weapons anywhere within the U.S.A."¹³⁴ Senator Edward Kennedy (D-MASS) fought the LEOSA., stating, "it will take power from leaders of state and local law enforcement to enforce their rules on how their employed officers carry firearms." Many agencies refuse to generate identifications cards for retired/separated LEOs due to liability issues, even though LEOSA and LEOSRA-22 carriers are acting in the capacity of a private citizen.¹³⁵ Though many private and government groups have leverage in aiding the passing of this legislation, Congress has the overall vote forwarding it to the President for consideration and signing. Since this law includes the U.S. Military, the President has significant overall approval as the Commander in Chief.

Gun Polls¹³⁶

As indicated above in Figure 4, there is an increase in active shooters though the U.S., many occurring in commercial buildings or educational campuses. Without a doubt, there is a need to stop this violence. Nevertheless, many U.S. citizens are not quite sure

¹³³ White House, 2021, "Fact Sheet: Biden-Harris Administration Announces Comprehensive Strategy to Prevent and Response to Gun Crime and Ensure Public Safety," WH.Gov, Accessed 29 September 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/23/fact-sheet-biden-harris-administration-announces-comprehensive-strategy-to-prevent-and-respond-to-gun-crime-and-ensure-public-safety/>.

¹³⁴ 108th Congress, 2004, "H. Rept, 108-560 Law Enforcement Officers Safety Act of 2003," Accessed 21 October 2021, <https://www.congress.gov/congressional-report/108th-congress/house-report/560>.

¹³⁵ Dan Phillips and Sandra Terhune-Bickler, 2020, "Qualified Retired Officer Firearm Credentials: Issues to Consider Before Granting or Denying a LEOSA Qualification," *Police Chief Online*, October 14, 2020.

¹³⁶ Gallup Inc., 2021, "Guns," Gallup Inc, Accessed 28 September 2021, <https://news.gallup.com/poll/1645/guns.aspx>.

what laws or changes will genuinely help. Gallup conducted multiple polls that provide a visual suggestion that guns are still used and wanted to protect self, others, and home. Over the past 20 years, there has been a stager of slow and steady (non-monotonic/sine wave) decrease of guns in the home. In 2020, 57% of people wanted gun laws to be stricter, and this majority has overshadowed others that say gun laws are too strict. Again in 2020, the question was asked if there should be a ban on handguns, and 74% said no. In 2019, 41% of pollsters worried a "great deal" about the availability of guns, leaving 59% to a fair amount, a little or not at all worried. In 2019 again, 62% of pollsters responded that that school and public buildings are insufficiently secure. 63% state they have a gun for personal safety and protection. 51% want to see new laws in addition to enforcing the current laws more strictly.

These polls show that U.S. citizens carry weapons in their homes, do not want handguns banned, public buildings and schools are insufficiently secured, and want new laws. In addition, 56% of pollsters felt that if more Americans passed a criminal background check and completed and passed a training course, they were allowed to carry a concealed weapon, America would be safer.

LinkedIn Poll

I created a poll on LinkedIn on 18 October 2021 (Figure 5). The poll question asked, "How would you feel if a "Qualified LEOSA carrier carried a concealed weapon in school zones to provide a quicker response if needed?". Pro: The feedback stated that people would feel "More Safe" with an increased probability of an LEO response time. My LinkedIn page was set to be viewed by the public, posted on my page, and shared by others. My profile has a variety of both political views and employment backgrounds.

Though it only reaches people that have LinkedIn, viewed my page, and decided to vote.

Figure 5 shows that 407 votes were offered out of 15,150 views providing feedback from

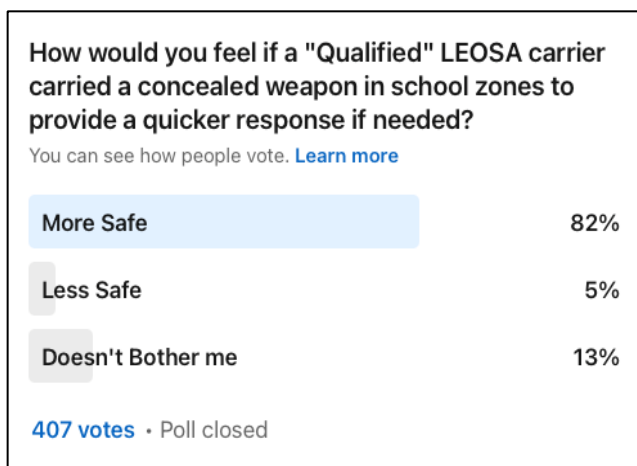


Figure 5: LinkedIn Survey Created by Justin Trembl

2.69% of viewers. Over seven days,

I reshared my post one time daily

using the hashtags: #LEOSA,

#johnshopkinsuniversity,

#concealedcarry,

#executiveprotection, #gunsafety,

#capstoneproject, #cso50. There

was no quantitative reason for the

hashtags used.

Con: Though the LinkedIn poll stated that people would feel safer if LEOSRA-22 could carry in schools, there is still a Gun-Free Schools Zones Act, and it restricts firearms within 1000 of an elementary or secondary school (to exclude the seven circumstances).¹³⁷ Additionally, because the poll limited a large population of possible affected citizens (parents without LinkedIn, parents without internet connection, those who did not view the poll), the grouping and poll would be considered unreasonable and inconclusive.

Non-Supporters vs. Supporters

The influence from the school board (where most active shooters occur) and gun safety advocates is the support that will strengthen the probability of the legislation passing LEOSRA-22. However, the probability of them supporting LEOSRA-22 is

¹³⁷ 18 U.S.C.A. "§ 966(q)," Westlaw through Pub. L. No. 115-223.

low.¹³⁸ Other major celebrity influencers with millions of followers, such as Maria Cary, Rihanna, Ariana Grande, and Lizzo, are all supporters of the defunding of police,¹³⁹ a Bernie Sanders, and Democratic push.¹⁴⁰

The FIB Agents Association, The National Association of Police Organizations, The National Organization of Black Law Enforcement Executives, The A.T.F. Authority, The National District Attorney Association, and Department of Defense assisted the passing of LEOSA in 2004, LEOSA Improvements Act in 2010, and National Defense Automation Act in 2013.^{141,142} These societies will help create policy and response policies for those carrying under LEOSRA-22 (owners of buildings, deans and superintendents of schools, and government officials).

State Political Temperature to Gun Owners

Gun ownership is not causal to the political temperature of a specific state; however, there is a significant influence in gun reform because of state laws regarding the ability to have a concealed handgun permit.¹⁴³ LEOSA and the proposed LEOSRA-22 are not

¹³⁸ Everytown, 2021. "Everytown Law Statement of Oral Argument in Major Second Amendment Case," Everytown For Gun Safety Support Fund, Accessed 09 November 2021, <https://everytownlaw.org/press/everytown-law-statement-on-oral-argument-in-major-second-amendment-case/>.

¹³⁹ Beatrice Peterson, 2020, Celebrities Including Mariah Cary, Arana Grande, Lizzo Endorse Dem Police Reform Bill, ABC News, Accessed 07 November 2021, <https://abcnews.go.com/Politics/celebrities-including-mariah-carey-rihanna-ariana-grande-lizzo/story?id=71418145>

¹⁴⁰ Reid Epstien, 2020, "These Top Democrats Go Further Than Bide on Diverting Police Funds," The New York Times, Accessed on 02 October 2021, <https://www.nytimes.com/2020/06/26/us/politics/defund-police-protests-democrats.html>.

¹⁴¹ Patrick Leahy, 2012, "Leahy Hails Senate Action on Law Enforcement Amendment," Accessed 14 October 2021, <https://www.leahy.senate.gov/press/leahy-hails-senate-action-on-law-enforcement-amendment>.

¹⁴² U.S. Senate, 2002, "S.2480 Law Enforcement Officers Safety Act," U.S. Government Printing Office, Accessed 29 September 2021, <https://www.govinfo.gov/content/pkg/CHRG-107shrg87413/html/CHRG-107shrg87413.htm>.

¹⁴³ J. Baxter Oliphant, 2017, Bipartisan Support For Some Gun Proposals, Stark Partisan Divisions On Many Others, Pew Research Center, Accessed 01 November 2021, <https://www.pewresearch.org/fact-tank/2017/06/23/bipartisan-support-for-some-gun-proposals-stark-partisan-divisions-on-many-others/>.

permits; they are legislation. Therefore, referencing handgun permits (concealed or open) is identified solely to provide a specific location's temperature and provide data to create an approach to success. Figures 6¹⁴⁴ & 7¹⁴⁵ show that the states with the most significant gun owners are in Republican unified states, except for New Mexico. Layering another data point, the following states have made it very difficult for even residents to have a concealed carry permit. California, Delaware, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York have laws that impart the state "may" offer to residents/nonresidents.¹⁴⁶ The circumstances to be approved for a concealed permit must

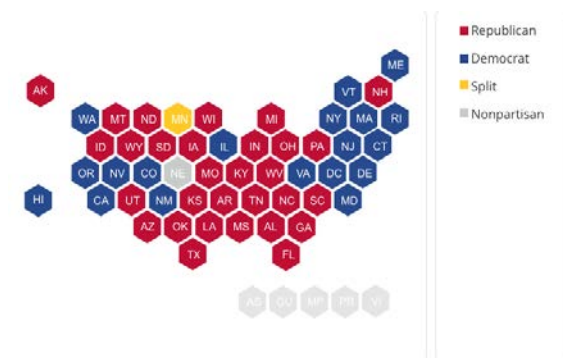


Figure 6: U.S. Map of Political Influence

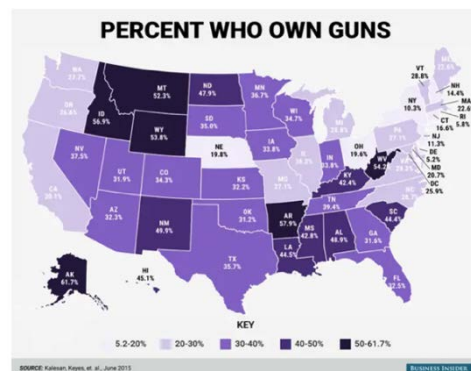


Figure 7: U.S. Map of Percent of State Owns Guns

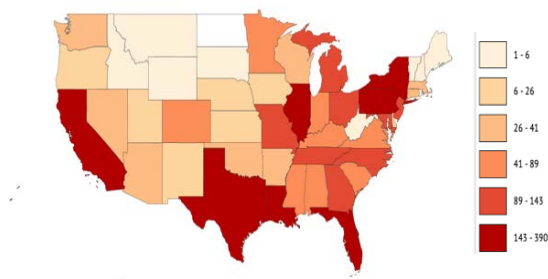


Figure 8: U.S. Map of Deadliest States of Mass Killings

¹⁴⁴ National Conference by State Legislature, 2021, "State Partisan Composition", Accessed on 08 October 2021, <https://www.ncsl.org/research/about-state-legislatures/partisan-composition.aspx>.

¹⁴⁵ Andy Kiersz and Brett LoGiurato, 2015, "Here's Where You Are Most Likely to Own a Gun," Business Insider, Accessed 03 November 2021, <https://www.businessinsider.com/gun-ownership-by-state-2015-7>.

¹⁴⁶ ProCon.org, 2021, "State-by-State Concealed Carry Permit Laws," *ProCon.org*. Accessed 01 November 2021, <https://concealedguns.procon.org/state-by-state-concealed-carry-permit-laws/>.

bear enough proof to be of extreme necessity.¹⁴⁷ The eight Democratic states listed above do not provide high support for adding guns to the street to increase public health.

According to Knoema (an open public platform for statisticians and researchers), Figure 8 displays the states with the most the most occurrences of mass killings.¹⁴⁸ The data in Figures 6 & 8 show no relationship between political influence and the states with the most mass killings.¹⁴⁹ However, Figure 8 shows that the states with the largest population also have the most mass killings.

Additionally, polls have shown that more Democratic-leaning parties favor approaching mass shooting issues by focusing on mental health, making gun purchases harder, creating a federal database for gun sales, buyback attempts than Republicans on increasing guns on the streets.¹⁵⁰ This information is concurrent with Democratic-leaning parties on restricting guns vs. the Republicans on expanding access to guns.¹⁵¹

The Why - For McConnell

As the longest-running Senator, you have supported the 2nd Amendment for many years while opposing gun control. You commented, "I do not think at a federal level there is much that we can do other than appropriate funds."¹⁵² He was speaking on the topic of Congress fixing/decreasing the issues within school shootings. With LOESRA-22,

¹⁴⁷ Ibid.

¹⁴⁸ Knoema, 2021, "Mass Shootings in the United States," Eldridge Business, Accessed 29 October 2021, <https://knoema.com/infographics/jdcgxpe/mass-shootings-in-the-united-states>.

¹⁴⁹ US Census, 2020, "U.S. Census Bureau Today Delivers State Population Totals for Congressional Apportionment," United States Census Bureau, Accessed 03 November 2021, <https://www.census.gov/library/stories/2021/04/2020-census-data-release.html>.

¹⁵⁰ Katherine Schaeffer, 2021, "Key Facts About Americans and Guns," Pew Research Center Accessed 11 November 2021, <https://www.pewresearch.org/fact-tank/2021/09/13/key-facts-about-americans-and-guns/>.

¹⁵¹ Pew Research Center, 2021, "Amid A Series of Mass Shootings in the U.S., Gun Policy Remains Deeply Divisive," Pew Research Center, Accessed 14 November 2021, https://www.pewresearch.org/politics/wp-content/uploads/sites/4/2021/04/PP_2021.04.20_gun-policy_REPORT.pdf.

¹⁵² On The Issues, 2021, "Mitch McConnell on Gun Control," On the Issues Every Political Leader of Every Issue, Accessed 0 November 2021, https://www.ontheissues.org/domestic/mitch_mcconnell_gun_control.htm.

Congress has the power to enact this legislation increasing public safety and putting more qualified and certified gun carriers on the streets in locations that mass shootings occur (i.e., schools). Though you oppose gun control laws, LEOSRA-22 will provide an alternative option for the pollsters and voters that do not see an issue with the use of guns for protection.¹⁵³ You opposed banning high-capacity magazines, which was not popular with the Democratic party. LEOSRA-22 will be a safe response showing your constituents that you can meet in the middle – increasing gun regulations and providing an opportunity to keep kids safer. LEOSRA-22 is a more sound option than schoolteachers carrying a concealed weapon, unpopular under the Trump administration. Only 12% of pollsters from Gallup voted they were confident in having teachers armed in schools.¹⁵⁴

As mentioned above (Policy Analysis), there has been a strong bipartisan support of the first LEOSA in 2004 (108 Democrats and 189 Republicans)¹⁵⁵ and the reforms after 2010¹⁵⁶ and yet again in 2013¹⁵⁷. Currently, there are 52 cosponsors of the proposed LESOA Reform Act, including 51 Republicans and one Democrat from Texas.¹⁵⁸ These numbers show that there is considerable constituency support on the Republican side.

¹⁵³ Gallup Inc., 2021, “Guns,” Gallup Inc, Accessed 28 September 2021, <https://news.gallup.com/poll/1645/guns.aspx>.

¹⁵⁴ Megan Brennan, 2018, “Most U.S. Teacher Oppose Carrying Guns in Schools,” Gallup, Accessed 04 October 2021, <https://news.gallup.com/poll/229808/teachers-oppose-carrying-guns-schools.aspx>.

¹⁵⁵ 108th Congress, 2004, “H.R. 218 – Law Enforcement Officers Safety Act of 2004,” Accessed 05 October 2021, <https://www.congress.gov/bill/108th-congress/house-bill/218/cosponsors>.

¹⁵⁶ The Policy Law Blog, 2010, “LEOSA Amendments are Approved in the U.S. Senate,” Accessed 05 October 2021, <https://policelawblog.com/blog/2010/07/leosa-amendments-are-approved-in-the-us-senate.html>.

¹⁵⁷ 112th Congress, 2013, “H.R. 4310 – National Defense Authorization Act for Fiscal Year 2013,” Accessed 04 October 2021, <https://www.congress.gov/bill/112th-congress/house-bill/4310/actions>.

¹⁵⁸ 117th Congress, 2021, “H.R. 1210 – LEOSA Reform Act,” Congress.Gov, Accessed 19 October 2021, <https://www.congress.gov/bill/117th-congress/house->.

Though President Biden was part of the Judiciary committee approaching LEOSA in 2002, the probability of this Act passing under the current Biden administration is low.¹⁵⁹ As Democratic parties seek to create more strict firearm laws, they also want more strict background checks (which could be proposed in the LEOSRA-22).¹⁶⁰ However, if the next administration is Republican, many potential presidential candidates will likely approve this Act. Abbot just passed a law to strike "church and synagogue" off places from prohibited places to carry.¹⁶¹ "Yet students are going in and out of buildings that are not hardened in that way and do not have the security they need," stated Senator Bob Corker comparing it to the security of the State Capital building.¹⁶² Joni Ernst (D-IA) she "supported a bill that allows law-abiding citizens to carry concealed in any other states."¹⁶³ Over his years of service and even as Department of State, Mike Pompeo has aligned with many pro-gun rights, including the Small Arms Treaty, National Right to Carry Reciprocity Act of 2011, and many letters to President Obama on gun control.¹⁶⁴ This shows that there would be a higher probability of the Act passing under a Republican administration.

¹⁵⁹ Congress.gov, 2010, "Law Enforcement Officers Safety Act Improvements Act of 2010," Congress.Gov, 08 October 2021, <https://www.congress.gov/congressional-report/111th-congress/senate-report/233>.

¹⁶⁰ The Conversation. 2021, "Gun Control Fails Quickly in Congress After Each Mass Shooting, but States Often Act – Including to Loosen Gun Laws," Accessed 09 November 2021, <https://theconversation.com/gun-control-fails-quickly-in-congress-after-each-mass-shooting-but-states-often-act-including-to-loosen-gun-laws-157746>.

¹⁶¹ NRA, 2019, "Governor Abbot Signs Ten Pro-Second Amendment Bills to Law," NRA, Accessed 05 October 2021, <https://www.nraila.org/articles/20190617/governor-abbott-signs-ten-pro-second-amendment-bills-into-law>.

¹⁶² News 9, 2018, "Interview of Bob Corker, Senator Bob Corker Shares Thoughts on Gun Control," News 9, Accessed 08 November 2021, <https://newschannel9.com/news/local/senator-bob-corker-shares-thoughts-on-gun-control-daca>.

¹⁶³ Joni Ernst, 2021, "Second Amendment," Joni Ernst United States Senator for Iowa, Accessed 01 November 2021, <https://www.ernst.senate.gov/public/index.cfm/second-amendment>.

¹⁶⁴ Just Facts, 2021, "Mike Pompeo's Public Statements on Issue: Guns, Cote Smart Facts Matter," Accessed 04 November 2021, <https://justfacts.votesmart.org/candidate/public-statements/125023/mike-pompeo/37/guns>.

RECOMMENDATION

I recommend that you wait until the Republican party heads the administration. Hundreds of citizens have lost their lives or been wounded from mass shootings in schools and public places. There is a dire need to stop the massacres before destroying more families, neighborhoods, communities, and the U.S.A. Depicted in many of the Figures from earlier parts of this paper, mass killings (including the massive increase in 2017) continue to increase. Implementing the LEOSRA-22 will create a force multiple allowing qualified retired/separated officers to carry in schools and other public places. Though mass killings, specifically in schools, are increasing, there is a vast divide in resolutions among political parties. As the Democrats continue to focus more on other means and deter from putting more guns on the street (regardless of the user), Republicans continue to fight for the 2nd Amendment. Republicans show how using a gun in the right hands can deter and potentially stop illegal gun carriers from committing mass killings.

If you attempt to enact this legislation now, many Democrats will stop the bill from moving forward. Major gun reform groups and the bad press dealing with NRA and January 6th Capital Hill incident will not help enact this bill under the current legislation. Primarily because of "defunding campaigns" and the high-profile police killings that are consistently happening. The trust in active police is dwindling there for decreasing the trust of a retired LEO. I suggest you wait for NRA bad press to pass and the focus on the few bad LEOs to be minimized to bring this reform to the floor. However, the pros outweigh the cons for attempting to implement this reform, just not now. Merely the deterrence of more armed qualified people to quickly stop a shooter from committing

mass killings is a reason to push this reform forward. If you attempt to pass the legislation now, and it does not pass, there will be increased concerns about the Act for the future. Though I believe and evidence points toward LEOSRA-22 decreasing mass killings, increasing public safety, and other benefits as mentioned in this paper – wait to push this legislation until 2024, when the Republican Party heads the administration, or there is a shift in Democratic reasoning.

CURRICULUM VITA

Justin Joseph Treml was born on August 29, 1983, in Green Bay, Wisconsin. At the age of 15, he moved to Mexico City to study Spanish for his last year of high school. Immediately after graduation from Pulaski high school, he enlisted in the U.S. Navy and retired in 2021 after 20 years of combat service. During his time in the Navy, Justin was awarded the Bronze Star, Combat Action Ribbon, and multiple awards and commendations. Throughout his time in the U.S. Navy, he lived in Spain, Diego Garcia, Japan, multiple states in the U.S.A. and completed four tours in Iraq and Afghanistan. For his last four years in the Navy, he had the opportunity to work for Naval Criminal Investigative Services (NCIS) and as an inspector conducting quality assurance (QA) and quality control (QC) for the Department of the Navy's Military Working Dog (K9) program, and assessments with international partners. His education consists of a Bachelor of Science with a major in Organizational Security Management in 2017 and numerous military schools. He and his fiancé now live in Charlotte, North Carolina, and Justin is employed at Wells Fargo as a policy consultant.