

Final Report submitted to the
Massachusetts Executive Office of
Public Safety and Security

An Assessment of the Implementation of the Act Relative to the Reduction in Gun Violence

October 27, 2017

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Executive Summary

On August 13, 2014, the Massachusetts Governor signed House Bill 4376, “An Act Relative to the Reduction of Gun Violence,” which sought to reduce gun violence by making important changes to many of the current Massachusetts gun law’s provisions. The new law raised questions from some groups concerned with the protection of Massachusetts residents’ Second Amendment rights claiming that *gun laws don’t work* and that the enforcement of the law would only limit access to firearms by law-abiding residents. This report presents findings from our study which indicate that the changes made to the statutes on firearm license procedures, background checks, and other provisions involving firearm regulations are effective in addressing the goals originally proposed under the new gun law.

Pursuant to funds appropriated in Chapter 119 of the Acts of 2015, the present report describes findings from our assessment on the implementation of the 2014 Massachusetts Gun Violence Reduction Act using both qualitative and quantitative data collection methods. Over the past year, the research team met with local gun dealers, law enforcement officials, staff from the Executive Office of Public Safety and Security (EOPSS), representatives from the Gun Owners’ Action League (GOAL), Massachusetts Coalition to Prevent Gun Violence, Massachusetts school superintendents, and other key stakeholders to gather information on the efforts taken to implement the new gun law. The research team also collected data from the Firearms Records Bureau (FRB) on firearm license applications and renewals from January 1, 2006 to December 31, 2016, which included the examination of 675,436 license applications. Moreover, the research team conducted a survey of Massachusetts police chiefs on the implementation and effectiveness of the new gun law with the assistance and support of members from the Massachusetts Major City Chiefs of Police (MMCC) and the Massachusetts Chiefs of Police Association (MCOPA).

Based on the data and information collected from the in-depth interviews, observations, focus groups, and surveys as well as the quantitative data analysis, we found that the 2014 Massachusetts gun law is in large part being implemented as originally envisioned by the Speaker of the House, Robert A. DeLeo, and other legislative leaders. Below we provide a list of some of the major findings from our comprehensive assessment on the implementation of the new gun law:

- Data and information collected from the interviews and observations indicate that the implementation efforts by EOPSS and FRB on the various provisions of the new gun law have made it effective and accessible as illustrated by the application and widespread use of the Massachusetts Gun Transaction Portal as well as the quick response and training offered by FRB to local law enforcement agencies and gun stores across the state.
- Data on the firearm license applications indicate that the vast majority of individuals (97 percent) who applied for a Firearms Identification (FID) card and/or License to Carry (LTC) in Massachusetts are granted a license. While the percentage of approved applicants granted a FID and/or LTC varies across communities, the vast majority of applicants, greater than 90 percent, were approved for a FID and/LTC in each Massachusetts community.
- Under the new law, the criteria for disqualification of FID cards was expanded. According to our analysis, this requirement is being implemented with the number of denied FID applications increasing slightly from 1.5 to 3.9 percent between 2014 and 2015. Nevertheless, the percent of approved FID applications remains at more than 90 percent statewide. It appears that police chiefs in Massachusetts are using their increased discretion sparingly and generally to deny applicants with a history of violence.
- While very few applicants are denied a LTC or FID card, the primary reasons for denial are applicants previously adjudicated as an offender, applicants deemed unsuitable under the new criteria developed by MCOPA, and/or applicants were untruthful in their application.
- State-level efforts to collect firearm trace data as required under the new gun law has led to some confusion. First, the new law requests that law enforcement agencies report data on firearms used in crimes, but there is no universal agreement on what is considered a “crime gun.” For example, agencies disagreed on whether guns used in the commission of a suicide should be included. Second, the new law

asks that agencies report firearm trace data to the State crime gun database reviewed by the Massachusetts State police. While some agencies have reported firearm trace data to the State, most agencies submit their firearm trace data to the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) eTrace system.

Overall, this comprehensive assessment found that the changes made in the 2014 Massachusetts Gun Violence Reduction Act have resulted in a small number of individuals with a history of violence being denied a FID and/or LTC card without reducing access to firearm licenses to the vast majority of Massachusetts's residents. Nevertheless, we do recommend a continued assessment and further examination on the implementation and overall effectiveness of the new gun law in order to ensure that the provisions continue to direct efforts towards the reduction of gun violence in the Commonwealth of Massachusetts.

I. Introduction

On December 14, 2012, 20 elementary school children and six adult staff were shot to death in Newtown, Connecticut. Across the country, many states rushed to file laws intended to make children in their states safe from gun violence. In many cases, these laws never passed or was deemed unconstitutional by the courts. However, Massachusetts policymakers took a different approach. In March of 2013, the Speaker of the Massachusetts House of Representatives, Robert A. DeLeo, appointed a committee to investigate ways to improve Massachusetts firearm laws, which were already acknowledged to be among the strictest in the United States. The Massachusetts Committee to Reduce Firearm Violence met with a wide variety of stakeholder groups for 8 months and in December of 2013 delivered a report to the Speaker with 44 recommendations on the ways in which the provisions in Massachusetts gun law could be improved.¹ After much debate, Speaker DeLeo filed a new law in May of 2014 that included most of the recommendations presented by the committee.

The Massachusetts Governor signed House Bill 4376, “An Act Relative to the Reduction of Gun Violence,” on August 13, 2014.² The new Massachusetts gun law is wide ranging in that it sought to reduce gun violence by strengthening current Massachusetts’ statutes in a number of different ways. In particular, the new gun law made important changes in the current statutes regarding firearm regulation by adopting new gun licensing procedures, new requirements related

¹ The full text of the final report by the Massachusetts Committee to Reduce Firearm Violence titled, “Strategies for Reducing Gun Violence in the Commonwealth of Massachusetts,” is available at: <https://www.northeastern.edu/cssh/wp-content/uploads/2014/02/Strategies-for-Reducing-Gun-Violence-in-the-Commonwealth-of-Massachusetts.pdf>

² The full text of the 2014 Massachusetts gun law is available at: <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter284>.

to background checks for firearms sold at gun shows or private sales, increased penalties for certain offenses committed with a firearm, increased efforts at suicide awareness and prevention, and recommendations to ensure school safety. While the new gun law has drawn criticism and support from both gun control and gun rights advocacy groups since it was enacted,³ the implementation and ultimate effectiveness of the new gun law still remained unclear.

Pursuant to funds appropriated in Chapter 119 of the Acts of 2015,⁴ the Massachusetts Executive Office of Public Safety and Security (EOPSS) released a solicitation to study the implementation of the recently passed “Act Relative to the Reduction in Gun Violence.” A research team from Northeastern University and the University of Massachusetts Boston submitted a proposal and were awarded funding to conduct a comprehensive assessment on the new gun law. Using both qualitative and quantitative methods, the present study reports on these findings based on data and information collected between July 1, 2016 and June 30, 2017 from firearms records and tracing, interviews, observations, and surveys. Due to the wide-ranging provisions in the new gun law, this report presents findings in order to address each of the following six areas detailed in the new gun law:

1. New firearm licensing procedures
2. New requirements related to background checks for guns sold at gun shows or private sales
3. New suicide prevention initiatives
4. New license renewal procedures
5. Firearms tracing

³ Levenson, 2014; Schoenberg, 2014; State House News Service, 2014.

⁴ The full text of the solicitation for the FY2016 Commonwealth Firearms Assessment Study is available at: <http://www.mass.gov/eopss/docs/ogr/lawenforce/2016-commonwealth-firearms-assessment-study-agf.pdf>.

6. Improvement in schools' safety plans in public school districts

Additionally, we examine other elements from the new law such as the provisions that requested for information to be submitted to the National Instant Background Check System (NICS).

In order to evaluate the implementation of the 2014 Massachusetts gun law, the report begins by discussing the data collected and methods used to address the key areas mentioned earlier. Next, we present some of the findings by describing significant patterns and trends identified from the data gathered using both qualitative and quantitative methods. We discuss some of the findings under each of the key six areas detailed in the law to determine whether the changes were effective and offer some additional insight into these provisions. We include a brief discussion on some of the other elements that were changed in the new gun law such as the submission of information to the National Instant Background Check System (NICS). Finally, we include a list of recommendations based on findings on the implementation and effectiveness of the new gun law under the six primary areas of study and its overall impact in reducing gun violence in the Commonwealth.

II. Data Collection and Methodology

In order to conduct a comprehensive assessment on the implementation of the new gun law, we collected data using both qualitative and quantitative methods. Between July 1, 2016 and June 30, 2017, we received data from the Executive Office of Public Safety and Security (EOPSS) and the Firearms Records Bureau (FRB) on firearm licensing, firearm transactions, and firearm tracing information. We also collected data and information from in-depth interviews, observations, focus groups, and surveys to supplement the quantitative data whenever possible. Below is a more detailed description on the data collection process for both the qualitative and quantitative data collection methods.

Data Collection

In order to identify any significant changes following the passage of the new gun law in jurisdictions across the state and over time, we received data from the Firearms Records Bureau (FRB) on firearms licensing, firearms transactions, and firearms tracing. The FRB is a statewide agency that maintains a database of licenses issued and records of firearms sales by gun dealers, as well as private transfers of weapons. In 2011, the Massachusetts Department of Criminal Justice Information Services (DCJIS) launched an online firearms transaction recording application (E-FA-10) to phase out the paper firearms transactions forms (FA-10) used by residents to record information on private sales or transfers (including gifts) of a weapon that are conducted by residents as required by the Massachusetts law.⁵ Since the passage of the new gun law, the FRB

⁵ Massachusetts General Law (M.G.L.) Chapter 140 Sections 128A and 128B requires all individuals who sell, transfer, inherit, or lose a firearm to report it to the Firearms Records Bureau using the online system.

has eliminated the use of the paper firearms transactions forms (FA-10) and has replaced it with the online Massachusetts Gun Transaction Portal. The Firearms Records Bureau requires gun owners to report ALL personal transfers of firearms using the online portal and encourages all transactions to be completed through the portal as well.

On February 2017, the research team received information on all new and renewed firearm licenses issued, all denied firearm licenses, and all firearm transactions that were recorded through the Massachusetts Instant Record Check System (MIRCS) gun dealer application and/or the Massachusetts Gun Transaction Portal from January 1, 2006 through December 31, 2016. After the passage of the 2014 Massachusetts gun law, some of the data collection systems were revised to address the changes made under the law. For example, the 2014 Massachusetts gun law eliminated Class B licenses and the number of Class B license holders has steadily decreased with none being issued since the law became effective in January 2015.⁶

Additionally, according to Massachusetts General Law (M.G.L.) Chapter 140 Section 131Q, licensing authorities are required to report statistical data on crimes committed in the Commonwealth using firearms, rifles or shotguns, large capacity weapons, machine guns or assault weapons. The statute asserts the following:

A firearm, rifle or shotgun, large capacity weapon, machine gun or assault weapon used to carry out a criminal act shall be traced by the licensing authority for the city or town in which the crime took place. The licensing authority shall report statistical data, when the data is readily available as determined by the chief of police, including, but not limited to: (i) the make, model, serial number and caliber of weapon used; (ii) the type of crime committed; (iii) whether an arrest or conviction was made; (iv) whether fingerprint evidence was found on the firearm; (v) whether ballistic evidence was retrieved from the crime scene; (vi) whether the criminal use of the firearm was related to known gang activity; (vii) whether the weapon was

⁶ Class B license holders were permitted to maintain their license until the expiration date and, therefore, the database included information on a small portion of Class B license holders (1.0 percent).

obtained illegally; (viii) whether the weapon was lost or stolen; and (ix) whether the person using the weapon was an otherwise prohibited person.

The data shall be reported to the commonwealth fusion center or the criminal firearms and trafficking unit within the division of investigation and intelligence in the department of state police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce an annual report by December 31 of each year regarding crimes committed in the commonwealth using firearms, rifles or shotguns, large capacity weapons, machine guns or assault weapons, including all the categories of data contained in this section, and shall submit a copy of the report to the joint committee on public safety and homeland security, the clerks of the house of representatives and senate and, upon request, criminology, public policy and public health researchers and other law enforcement agencies.

To comply with the new law, the state published a report on the crime gun data collected for the 2015 calendar year in compliance with the statute.⁷ On February 2017, the Firearms Records Bureau provided us access to the information collected as of February 1, 2017 from law enforcement agencies. The data collected included the following information: seizure city, seizure date, crime type, gang related, weapon type, whether the weapon was obtained illegally, ballistic/fingerprint evidence, and specific information on the type of weapon. While many of these variables are also collected by eTrace, a data submission portal designed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to collect crime gun data, the state system was developed to meet the specific needs of the Commonwealth. Nevertheless, as noted in the 2015 report by the Massachusetts State Police on this data collection mechanism, there are a number of challenges found in the system in terms of the quality and quantity of crime gun data making it difficult to assess whether there have been any recent patterns or trends in crime data being reported. Therefore, we discuss current efforts that are being undertaken by the state to improve this data collection system and future recommendations under findings.

⁷ See 2015 Massachusetts State Police Crime Gun Survey Report for more information on the data collection: <https://malegislature.gov/Bills/189/Senate/SD2393>.

In-depth Interviews

The research team conducted unstructured interviews with gun dealers, law enforcement officials, staff from the Executive Office of Public Safety and Security (EOPSS), representatives from the Gun Owners' Action League (GOAL), members of the Massachusetts Coalition to Prevent Gun Violence, and other key stakeholders to measure the current implementation efforts of the new gun law on gun licensing procedures, gun sales, background checks, and firearms tracing. These interviews were conducted in order to address the research questions without imposing any a priori categorization that would limit their responses. Although subjects were selected to represent the different types of regions (e.g., urban, rural) across the state, we used a number of different ways to recruit individuals for the study. Specifically, subjects were contacted from a pool of individuals that were recommended by agencies/organizations such as the Executive Office of Public Safety and Security (EOPSS), the Firearms Records Bureau (FRB), the Massachusetts Major City Chiefs (MMCC) of Police, the Massachusetts School Superintendents Association (M.A.S.S.), and members of the Committee to Reduce Firearm Violence as well as other key stakeholders who agreed to participate in the study. Interviews took place in-person or on the phone at a date/time that was convenient for the subject. The vast majority of subjects requested a phone interview, each interview lasted approximately one-hour. As described in our application to the Institutional Review Board (IRB), participating subjects were provided with a copy of an unsigned informed consent form prior to the interview.

During the interview, subjects were asked about their opinions on the new Massachusetts gun law in general and the implementation and overall effect of the various provisions as it relates to their professional role in the field. For example, law enforcement officials were asked about

their capacity as licensing authorities and the effect of the new law on the licensing process and renewals as well as their knowledge on the changes to the background checks, firearms tracing, suicide prevention initiatives, and school safety plans. School officials were asked about the recommendations under the new law on school safety polices and any concerns shared by local community members with regards to the various other provisions to reduce gun-related violence in the area. Furthermore, all subjects were asked for any additional recommendations that might help to improve the current gun law and/or inform future gun laws.

Participant Observation

We conducted participant observations of licensed gun dealers at a statewide gun show and local gun stores to better understand the effect of the new licensing procedures and the availability of suicide awareness and prevention information. As one of the earliest and most basic methods of research, participant observation permits researchers to observe and record phenomena in conjunction with other qualitative and quantitative methods (Adler and Adler, 1994). These observations serve a purpose in generating cultural knowledge in areas that remain understudied and/or contain special populations for which data remains uncollected. The present study used observations in order to assess the implementation and overall effect of the new gun law on certain actions and interactions that are not necessarily captured in quantitative data. Therefore, in order to address the questions related to this phenomenon, observations were conducted by research staff during peak times at the gun show and during regular business hours at the gun stores. Members of the research team took notes while observing any firearms purchases or sales that took place during the event. Gun dealers/sellers were asked brief questions about their business whenever possible, but were not asked for any in-depth information on their role as a gun dealer/seller or on

the transactions that took place. Each of the conversations took no more than one to fifteen minutes and the participant observations lasted less than one hour. In each case, researcher staff actively witnessed these actions and interactions, but did not audiotape or record any of the observations that took place.

Survey Instrument

With support from the Massachusetts Major City Chiefs (MMCC) of Police and Massachusetts Chiefs of Police Association (MCOPA), all local police chiefs received an invitation to participate in an online survey regarding the implementation of the 2014 Massachusetts gun law. Research staff sent a follow-up email to all police chiefs as a reminder to complete the online survey after two weeks from the initial date of the invitation. The online survey took participants less than 30 minutes and a total of 94 licensing authorities completed the survey (see Appendix A for the survey instrument).

Overall, most survey respondents agreed that firearm license restrictions lead to a reduction in violence in their communities. The survey also indicated that police chiefs viewed the changes on background checks, the renewal process, and the online Massachusetts gun transaction portal following the passage of the new gun law as helpful in their roles as licensing authorities and to their community members. However, most police chiefs disagreed about whether strict gun laws effectively reduce violence and improve the safety of their community members. While findings from the survey represent about one-quarter of the total number of licensing authorities across the state of Massachusetts, these findings are explored further following information collected from the focus group and interview responses.

Advisory Panel Focus Group

On June 22, 2017, the research team met with an advisory panel comprised of members who served on the Massachusetts Committee to Reduce Firearm Violence appointed by the House Speaker, Robert A. DeLeo, whose report informed the 2014 Massachusetts gun law. The advisory panel met at Northeastern University and included the following members who also served on the Massachusetts Committee to Reduce Firearm Violence: Dr. David Hemenway, an economist and Professor at Harvard T.H. Chan School of Public Health and a former James Marsh Visiting Professor at the University of Vermont, Dr. John Herman, the Associate Chief in the Department of Psychiatry at the Massachusetts General Hospital, Chief James Hicks, the Chief of Police at the Natick Police Department and Former President of the Massachusetts Chiefs of Police Association, and Robert A. Cerasoli, the former Inspector General of the Commonwealth of Massachusetts.⁸ The advisory panel members were presented with the preliminary findings of this study in order to solicit their opinions and to develop recommendations on current or future undertakings by the state in the implementation of the new law.

The members of the advisory panel who were able to attend the meeting were pleased with the implementation of the statute thus far. They were pleased to see data on rates of approval and to see information about the small but potentially important increase in denials of FID cards. The advisory panel members noted that it appeared to show that the law was working as they had hoped in that a small number of applicants for an FID card were being turned down based on measures of suitability. They also felt the findings supported what they had been experiencing and hearing

⁸ The former Inspector General, Robert A. Cerasoli, was unable to attend the meeting at Northeastern University, but provided his feedback and suggestions following the meeting.

about the implementation of the new statute. The advisory panel members also offered to help develop recommendations based on these findings.

III. Findings

In the current section, we discuss the findings for the following key areas that were effected under the passage of the 2014 Massachusetts gun law: licensing procedures, background checks, firearms tracing, suicide prevention initiatives, license renewal procedures, and school safety policies. We begin by identifying and discussing the significant changes made in the new gun law in relation to each of these areas. Next, we examine the changes that were implemented in accordance with the new gun law and evaluate how they affected local policies and practices based on our analysis of the data collected, interviews conducted, participant observations, and/or survey information. Before discussing the findings under each of the key areas, we begin by examining the findings from the descriptive analysis on the licensing information and firearms transactions that will be included in the subsequent analyses.

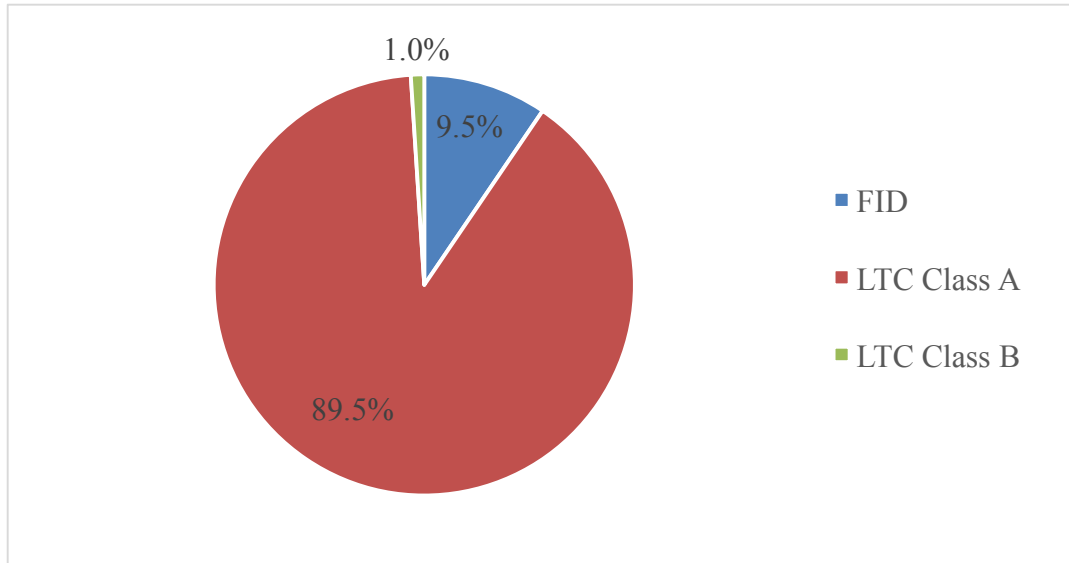
Descriptive Analysis

Between January 1, 2006 and December 31, 2016, the Firearms Records Bureau documented 675,436 license applications in Massachusetts. As shown in Figure 1, the vast majority of applications, more than 90 percent, were for licenses to carry (LTCs), which entitles applicants to purchase, possess, transport, and carry all large and non-large-capacity handguns, rifles, shotguns, and feeding devices as well as ammunition.⁹ Less than 10 percent of the applicants were applying for a new or a renewal of their Firearms Identification Card (FID), which entitles applicants to purchase, possess, and transport non-large-capacity rifles, shotguns, and ammunition.

⁹ See the following link for more information on the different types of license class categories: <http://www.mass.gov/eea/agencies/dfg/dfw/education-events/hed/gun-licensing-requirements.html>

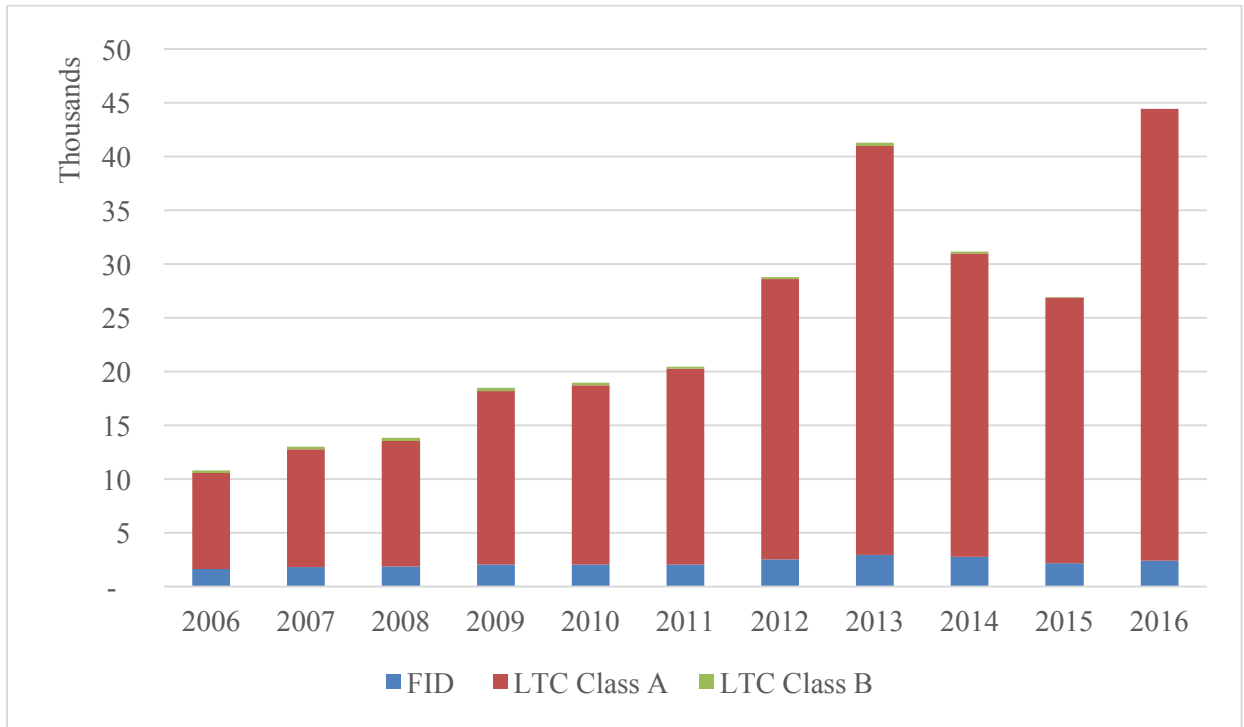
All firearm licenses are valid for six years and the majority of licenses processed, about two-thirds (407,374), were from individuals renewing their FID or LTC.

Figure 1. Percentage of License Applications by Type of License, 2006-2016.



Of the 675,436 license applications, about one-third (268,062) were from individuals seeking a new FID or LTC during the study period. Figure 2 illustrates the number of new licenses issued each year between 2006 and 2016. Looking at the annual count of new licenses by year, it is clear that the number grew sharply in 2013 and 2016 from previous years. For example, the total number of new licenses issued grew from 28,795 to 41,265 between 2012 and 2013, respectively. This rise in the number of new licenses issued more than doubled in comparison to the number issued each year from 2006 to 2011. As mentioned earlier, the vast majority of new license applicants were seeking a Class A LTC (90.2 percent) while less than one-tenth applied for a new FID (9.0 percent) across the study period. As noted earlier, the Class B LTCs were eliminated under the 2014 Massachusetts gun law and, therefore, the number has dramatically declined since 2013 with zero issued in 2016.

Figure 2. Total Number of New FIDs and LTCs Issued per Year, 2006-2016.



Although we examine the impact of the 2014 Massachusetts gun law on the licensing process and other key areas, we also consider whether other major events may have had an impact on licensing patterns and trends across the study period. Figure 3 depicts the total number of FIDs and LTCs applications that were issued by licensing authorities per month from January 2006 to December 2016. The numbers illustrate an increase in the number of new FIDs and LTCs issued during certain time periods following major events. For example, the number of new licenses nearly doubled from 2,635 to 4,466 between January 2013 and May 2013, respectively. Given the proximity of these dates to the Newtown Elementary school shooting that took place in December 2012, we hypothesize that the rise in the number of new licenses may be linked to the concerns around the public safety of communities and homes following this event. Additionally, given the length of time that it takes to complete the licensing process, which is generally about two to three

months, we suggest that license applications were submitted at the beginning of the year.¹⁰

The issuance of new licenses increased again between November 2013 and December 2013 from 2,282 to 5,416, more than doubling in number. This rise took place shortly after the Committee to Reduce Firearm Violence was appointed by the Massachusetts Speaker of the House of Representatives, Robert A. DeLeo, finalized their report with recommendations on strategies to reduce gun violence in the Commonwealth, which included new licensing provisions. Media reports speculated that recommendations would include numerous gun restrictions particularly for individuals who are deemed mentally ill and potentially violent, drawing a lot of public attention and criticism from both gun advocates and mental health advocates.¹¹ We believe that it is likely that this rise in new licenses resulted from the widespread public debate on the new standards being developed by the Committee to Reduce Firearm Violence.

More recently, the number of new licenses nearly doubled between January 2016 and March 2016, growing from 2,863 to 4,558 as shown in Figure 3. Similarly, the number of new licenses grew sharply between April 2016 and May 2016, increasing from 3,857 to 4,971. This rise in new licenses has been linked to the mounting fear that Massachusetts policymakers will impose new gun ownership restrictions on residents. For example, in May 2016, Massachusetts State Attorney General, Maura Healey, began public discussions about imposing additional restrictions on copycat firearms that were being sold in the state and made an official administrative decision on July 20, 2016.¹² While the number of new licenses dropped to 3,130 by

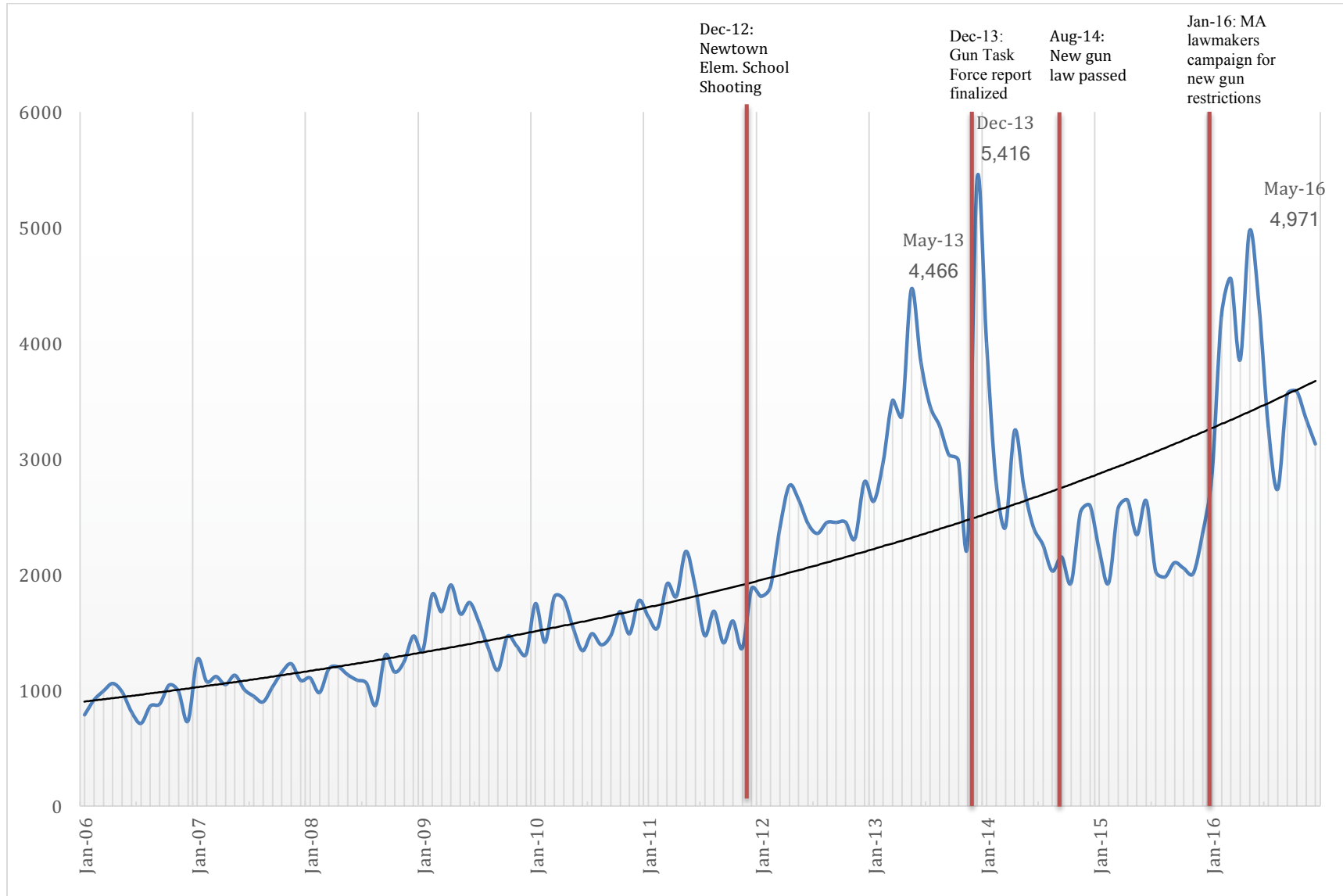
¹⁰ Although this increase also took place shortly after the Boston Marathon Bombing, it is unlikely that this rise in licenses issued in May 2013 are associated to this event due to the length of time it takes in order to obtain a Massachusetts license.

¹¹ See <http://legacy.wbur.org/2013/12/13/mass-mentally-ill-gun-access>.

¹² See <http://www.mass.gov/ago/news-and-updates/press-releases/2016/2016-07-20-assault-weapons-enforcement.html> for more information on the Massachusetts Attorney General's announcement.

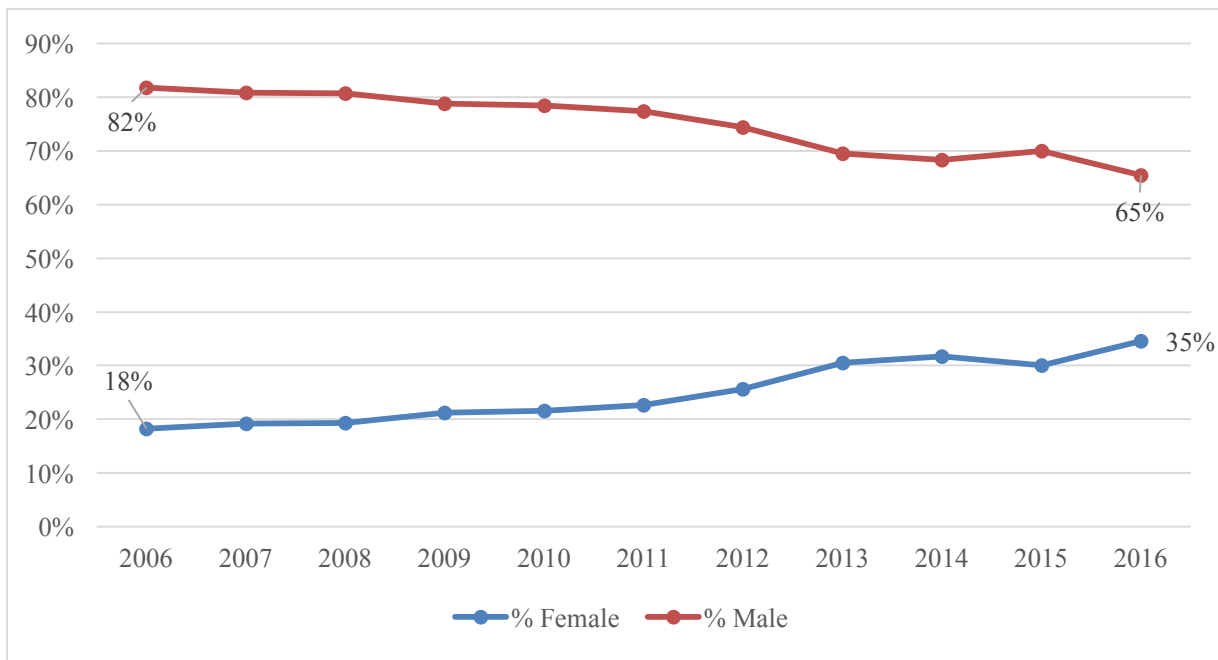
the end of 2016, the overall trend in new licenses has increased dramatically since 2006. It is interesting to note that we saw an increase in license applications following the release of the report by the Committee to Reduce Firearm Violence but no similar increase following the passage of the 2014 Massachusetts gun law. This seems to be an illustration of how public discussions of potential changes to firearm regulations influence community behavior.

Figure 3. Total Number of New FIDs and LTCs Issued per Month, Jan. 2006-Dec. 2016.



Police officials who participated in the focus group and interviews also identified another similar change in licensing patterns. Specifically, police officials underscored a rise in the number of female applicants seeking licenses over the last few years. Using data from the Firearms Records Bureau, Figure 4 illustrate the percentage of new LTCs issued by sex over the study period. As illustrated in figure 4, the percent of female applicants applying for a LTC has been steadily rising. Females made up fewer than 20 percent of the license holders in 2006 but more than one-third of the total number of new license holders in 2016 (35 percent). Police officials have suggested that this rise in the proportion of female applicants is associated to the efforts by female residents in their community to protect themselves.

Figure 4. Percentage of New LTCs Issued by Gender, 2006-2016



Although it is evident that the overall number of new licenses being issued to individuals in the Commonwealth has dramatically increased since 2006, we turn to the total number of firearms transactions conducted during the same time period to determine whether a similar trend

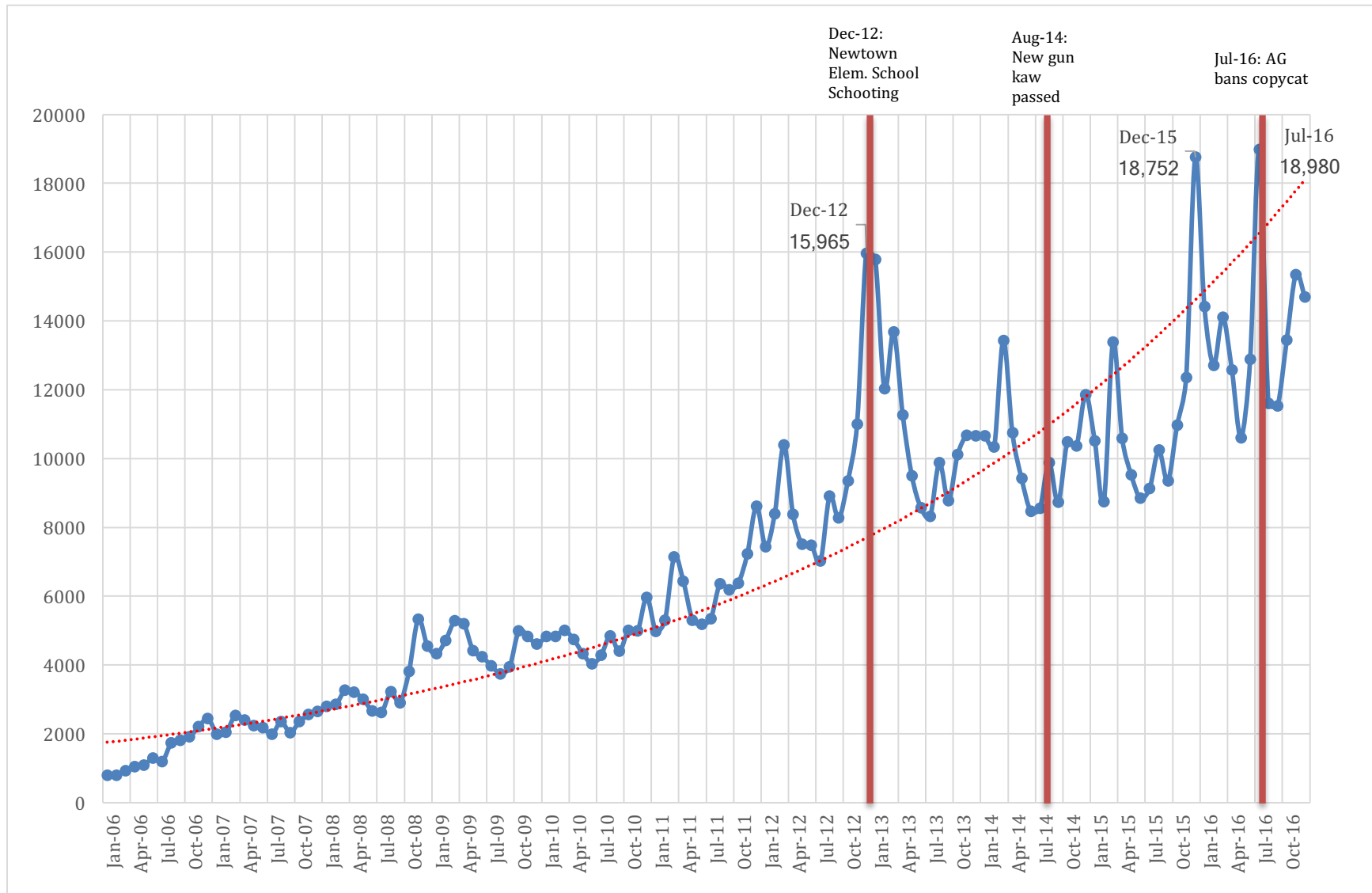
is found in the total number of firearms being purchased by license holders. Massachusetts law requires all residents to report any personal transfer (including gifts) of a weapon “prior to or point of sale” as well as report the acquisition of a weapon within seven days in certain instances. As shown in Figure 5, the number of firearm transactions has gradually increased over the study period, but there are certain time periods that illustrate a dramatic rise in gun sales. For example, between November 2012 and December 2012, the number of gun sales sharply increased from 10,993 to 15,965. This event has been attributed to the rising concern in public safety by license holders following the Newtown Elementary School Shooting and then President Barack Obama’s announcement about an executive order to expand background checks on all firearm purchases. The number of gun sales grew again dramatically between November 2015 and December 2015 from 12,349 to 18,752. Again, these numbers have been linked to the widespread concern following the mass shootings that took place in Paris and San Bernardino, which has resulted in a national increase in gun sales.¹³

More recently, the quantity of firearm transactions dramatically increased between June 2016 and July 2016 from 12,876 to 18,980. This spike has been attributed to the administrative order issued by the State Attorney General, Maura Healey on July 20, 2016 regarding copycat assault weapons. Following the mass shooting that took place in Orlando, FL, Attorney General Healy announced a ban on so-called copycat assault weapons that are similar to banned assault weapons, but were not banned under the state’s gun laws because they were “state compliant.”¹⁴

¹³ See <http://www.nbcnews.com/news/us-news/gun-sale-background-checks-hit-new-high-december-2015-n490711>.

¹⁴ See http://www.masslive.com/politics/index.ssf/2016/07/ag_maura_healey_bans_sale_of_c.html.

Figure 5. Total Number of Firearms Transactions, January 2006 – December 2016.



Objective 1. Evaluation of the New Firearm Licensing Procedures

Background

The Act expanded the eligibility disqualification for License to Carry (LTC) and Firearm Identification Card (FID). For example, it allowed licensing authorities to file a petition with the court to deny, suspend, or revoke the issuance or renewal of a FID to anyone deemed unsuitable. Previously, this qualification only applied to the application or renewal of a LTC. Individuals with criminal history records, evidence of reckless behavior, or mental health issues were, therefore, permitted to apply for a FID without this qualification. The passage of the new law expanded licensing authorities' discretion on this qualification in the application of FIDs and defined the standards for suitability for all license applications in M.G.L. Chapter 140 Section 48 as follows:

A determination of unsuitability shall be based on: (i) reliable and credible information that the applicant or licensee has exhibited or engaged in behavior that suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or (ii) existing factors that suggest that, if issued a license, the applicant or licensee may create a risk to public safety.

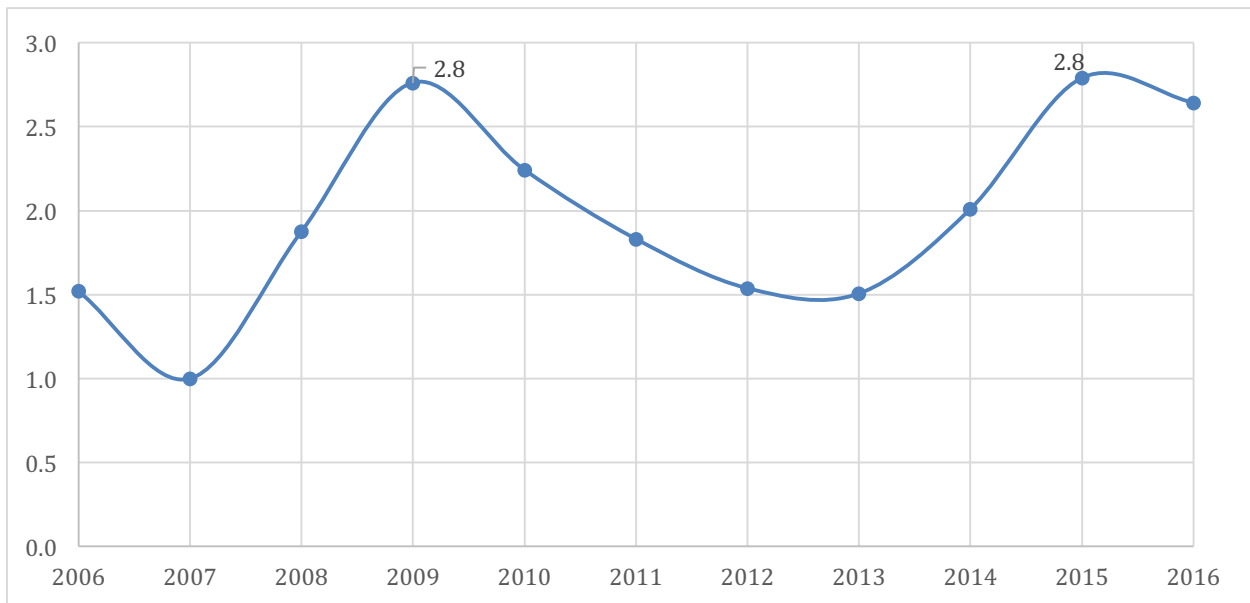
Once an individual has been deemed unsuitable, licensing authorities are required to notify the applicant the reasons for denial, which is subject to judicial review.

Additionally, the new gun law permitted individuals committed for certain mental health reasons, for an alcohol use disorder, substance use disorder, or guardianship appointment, whose licenses had been denied, revoked, or suspended, to petition the court five years from the date of commitment to have their ability to possess a firearms, rifle, or shotgun restored.

Findings

Overall, Massachusetts licensing authorities approved more than 98 percent of all firearm license applications between 2006 and 2016. According to the national data reported by the Bureau of Justice Statistics' (BJS) Firearm Inquiry Statistics (FIST) program on the number of firearms applications processed and denied,¹⁵ this statistic falls in line with national-level trends which indicate that 98.6 percent of all applications were approved between 2006 and 2014.¹⁶

Figure 6. Denial Rate for License Applications per Year, 2006-2016.



Note: The total denial rate is based on the number of denied license applications per 100 license applications.

Looking at Figure 6, we can see that the denial rate in the Commonwealth fluctuated between 1.0 and 2.8 denials per 100 applications over the study period. Just within the last three years, licensing authorities denied less than three percent of all license applications, with the

¹⁵ For more information on national-level trends, see the 2016 Bureau of Justice Statistics report on background checks for firearms transfers: <https://www.bjs.gov/content/pub/pdf/bcft1314st.pdf>.

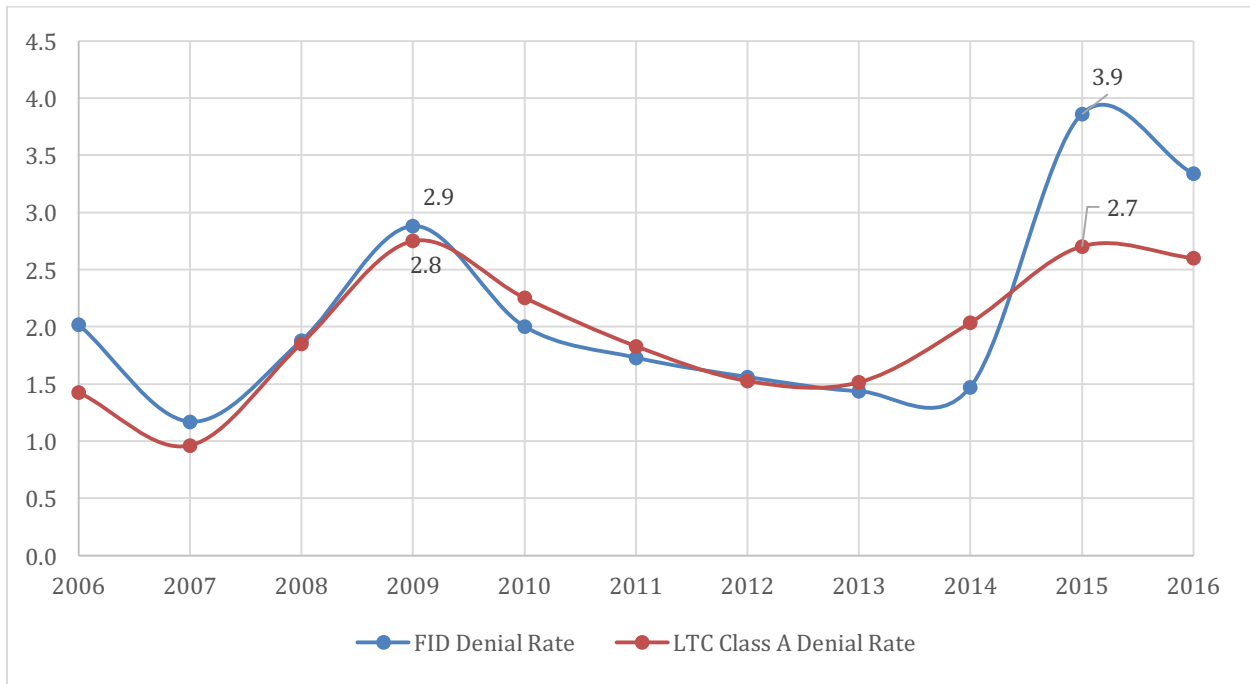
¹⁶ The 2016 Bureau of Justice Statistics report on background checks for firearms transfers only contained data through 2014.

largest denial rate reported in 2015 with 2.8 denials per 100 applications. The lowest denial rate was reported in 2007 when only one application was denied for every 100 applications for a FID or LTC. Despite criticisms by gun rights advocates who feared that the new law would produce a surge in denials on license applications following its passage, it is clear that the denial rate has not significantly changed since 2006 and that the number of denied applications are, in fact, a rare occurrence according to statewide statistics. Nevertheless, in order to examine the effect of the new gun law on licensing, we explore the denial rate by type of license, FID and LTC, to determine whether the increased discretion given to licensing authorities had a significant impact in 2015 when the new law came into effect.

Figure 7 illustrates the annual denial rate for FID and LTC applicants between 2006 and 2016. As shown below, the denial rates do not differ significantly. On average, about two percent of FID and LTC applicants were denied a license during the study period. Between 2006 and 2014, the denial rate fluctuated between 1.0 and 2.9 denials per 100 applications for both FID and LTC applicants. However, with the passage of the 2014 Massachusetts guns law, the denial rate for FID applicants grew from 1.5 to 3.9 per 100 applications from 2014 to 2015, respectively. On the other hand, the denial rate for LTC Class A applications did not change significantly with two applicants per 100 denied a license in 2014 and 2.7 applicants per 100 denied a license in 2015. With the expansion of the 2014 Massachusetts gun law allowing licensing authorities to deny FIDs on the grounds of unsuitability, which had previously only been a requirement of individuals applying for LTCs, this significant change seems to indicate that the law is being implemented as intended. In general, denials continue to be a rare event, but the effect of the law on denials of FID cards is evident. It appears that the provision in the 2014 statute that provided increased discretion to chiefs to turn down applications for FID cards from those deemed unsuitable is working as intended.

There has been a small but visible increase in persons turned down for a FID card after the law took effect.

Figure 7. Denial Rate by License Type, 2006-2016



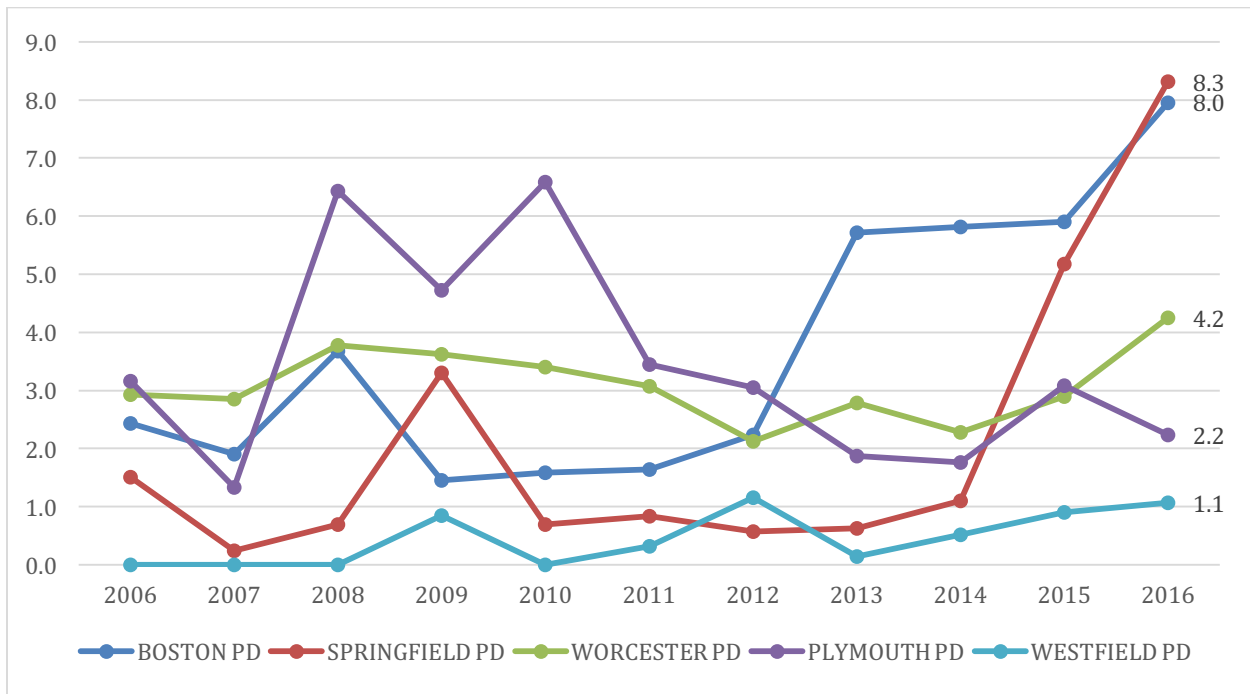
Note: The denial rate is based on the number of denied license applications per 100 license applications.

Another common concern voiced by gun rights advocates interviewed was with regards to the disparities in the discretion of some licensing authorities. Specifically, they argued that in some communities the local police are so strict that no one can get a license. Of the 348 law enforcement agencies who reported licensing information during the study period, five agencies processed about 7.4 percent of the total number of applications reported by FRB. While the average number of applications processed by an individual law enforcement agency in the Commonwealth was fewer than 2,000 applications between 2006 and 2016, Boston PD, Springfield PD, Worcester PD, Plymouth PD, and Westfield PD each processed between 8,000 and 14,000 total firearms license applications with Boston PD processing the largest quantity. Based on the total number of license applications processed by these five agencies, they approved more than 97 percent of all applicants.

Based on the denial rates for these individual agencies, Boston PD reported the highest average denial rate (4.3) and Westfield PD reported the smallest denial rate (0.4) between 2006 and 2016. While Boston's denial rate is higher than the statewide average (1.8), it is important to note that in no Massachusetts jurisdiction over the study period do agencies deny more than 10 percent of all applications.

As the agencies with the largest quantity of license applications, Figure 8 displays the denial rates for each of these agencies (Boston PD, Springfield PD, Worcester PD, Plymouth PD, and Westfield PD) in order to explore whether there are any major differences in the annual denial rates across agencies. It is clear that the denial rates, though very small, significantly differed between these five agencies. For example, the denial rate in Boston and Springfield significantly increased over the study period from 2.4 to 8.0 and from 1.5 to 8.3, respectively. On the contrary, the denial rate in Plymouth has been decreasing since 2010 from 6.6 to 2.2 while the denial rate in Worcester and Westfield have remained stable across the study period. Based on the information collected from the interviews with licensing authorities, these disparities are largely a result of changes following the passage of new gun statutes as well as administrative and budget changes. For example, preliminary findings indicate that some agencies experienced changes in their leadership that may have influenced the denial patterns. Therefore, it is difficult to interpret the causal effect of these agency-level fluctuations in the denial rates without having a better understanding of the local context.

Figure 8. Denial Rate for License Applications in Top Five Agencies, 2006-2016



Note: The total denial rate is the number of denials per 100 applications.

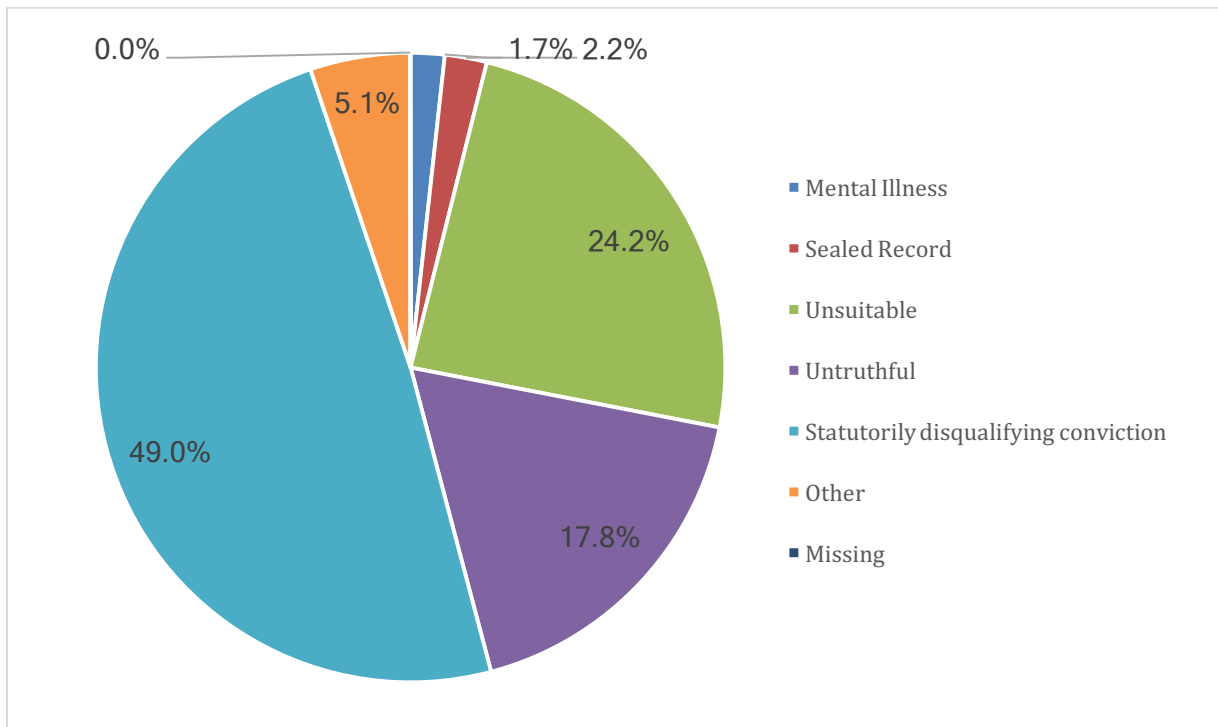
Between January 1, 2006 and December 31, 2016, nearly one-half (49.0 percent) of new or renewed license applications were denied because they had been convicted as an adult or adjudicated as a youthful offender or delinquent child in a court of the Commonwealth, in another state, or federal jurisdiction. About one quarter (24.2 percent) of applicants were denied a LTC or FID due to unsuitability in accordance with the law. Less than one-tenth were denied for reasons pertaining to untruthfulness and a much smaller percentage were denied as a result of certain mental health illnesses, sealed records, and/or other reasons.

As can be seen from Figure 9, 17.8 percent of the denials were for an applicant being untruthful on their application. Interviews with police officials indicated that sometimes applicants believe an offense that occurred as a juvenile or long ago had been sealed, particularly when the case was adjudicated with the relatively unique Massachusetts disposition of “Continued without a finding.” The way a number of police agencies handle this is to ask the applicant to refile their

application and ask them to think carefully about prior appearances in court. If the applicant re-files with accurate information they will generally be approved.

Based on information gathered from interviews with police officials, we were told that a number of person who were turned down for an FID or LTC appealed the decision to the court. A number of police officials felt that some judges were unfamiliar with changes following the passage of the 2014 Massachusetts gun law which made the hearing difficult. These police officials encouraged the Massachusetts Judiciary to include updates about the 2014 Massachusetts gun law in the annual legislative update.

Figure 9. Reasons for Denial of License Applications, 2006-2016.



Recommendation

Since 2006, the vast majority of Massachusetts residents have had their license application approved for a new or renewed FID or LTC. The passage of the new gun law did not significantly change the denial rate for license applications. However, the analysis of the firearm license data indicates some disparities across communities in terms of the percentage of applicants denied a FID and LTC and the reason for denial. Furthermore, licensing authorities in some communities reported challenges with regards to the appeal of a denied license following the passage of the new gun law. Therefore, below are some recommendations that we believe would improve the implementation and effectiveness of the new law with regards to the licensing process.

- ✓ Police chiefs in Massachusetts should use the findings from this report to refine their definition of unsuitability with examples and circulate to all Massachusetts police chiefs.
- ✓ Massachusetts judges should be updated on the appeal provisions provided for in the 2014 Massachusetts Gun Violence Reduction Act.

Objective 2. Evaluation of the New Requirements Related to Background Checks

Background

The Act requires that information on persons that lack mental capacity as required or permitted under the law should be provided to licensing authorities to be considered under state law to conduct background checks for firearm sales or licensing. Specifically, M.G.L. Chapter 215 Section 73 stated the following:

Notwithstanding any general or special law, to the contrary, the administrative office of the trial court shall transmit an order of the probate court appointing a guardian or conservator for an incapacitated person under Parts 3 or 4 of Article 5 of chapter 190B, on the grounds that the person lacks mental capacity to contract or manage the person's affairs, and any subsequent order terminating or rescinding the appointment, to the department of criminal justice information services to provide: (i) licensing authorities as defined pursuant to section 121 of chapter 140 with information required or permitted to be considered under state and federal law to conduct background checks for firearm sales or licensing; and (ii) the Attorney General of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained to conduct background checks for firearms sales or licensing.

Furthermore, the law also requires DCJIS to transmit information which is required or permitted under federal law to the attorney general to include in the National Instant Criminal Background Check System (NICS).

Findings

The Massachusetts Instant Record Check System (MIRCS) is an integrated computer application that is owned and maintained by the Criminal History Systems Board. The MIRCS is used by licensing authorities to conduct background checks on license applicants in accordance with the requirements listed in the Massachusetts law. The system combines biometrics with the

state's criminal history database. Although many licensing authorities across the United States utilize the federal background check system, NICS, major concerns about whether states accurately update the online federal system has led many states to deploy funding to develop comprehensive and instant record-checking systems such as MIRCS.

Based on information gathered by members of the research team at gun shows, interviews of police officials, interviews of staff from the State's Firearms Records Bureau, and interviews of licensed firearms dealers, we have heard very few problems regarding access or use of the online system to check individual's backgrounds who are either purchasing a firearm and/or applying for a license. Most participants interviews felt that the online system was functioning very well and it was easy to use. Following observations at the gun show we attended, it was clear that all transactions included use of the online system to check backgrounds and record any transactions made at the event.

Additionally, staff members at EOPSS and the Firearm Records Bureau have made significant efforts to facilitate the use of the portal to conduct background checks in private sales. Most importantly, EOPSS has initiated same day updates to the data base. This means that every day the state file is updated to indicate that any new individuals who might have been convicted of a felony or had a warrant or 209A Restraining Order initiated against them. This has given all those we spoke with confidence that they are only selling a firearm to someone who has a valid license. Additionally, Staff from the Firearms Records Bureau have been providing training in using the online system to law enforcement and firearm dealers. Staff from FRB have also been attending gun shows to assist with any problems using the online system that may develop. They

also have access to the PIN number of currently active licensees so they can give the number to anyone who has forgotten their number but would like to purchase a firearm.

All those we interviewed for this study had significant praise for the efforts of the staff of the Firearm Records Bureau in particular and EOPSS more generally to implement the requirements of the new statute and to work with gun owners, gun dealers and well as law enforcement to facilitate the implementation of the 2014 statute.

Objective 3. Assessment of Firearm Tracing

Background

The Act requests that all law enforcement agencies trace and collect specific data on firearms used in a crime within their jurisdictions and submit all appropriate firearms to be traced to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for analytical purposes as described in M.G.L. Chapter 140 Section 104 as follows.:

Notwithstanding any general or special law to the contrary, the chief of police in each city or town shall make reasonable efforts to enter into a memorandum of understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice to analyze firearms trace data.

The ATF traces firearms for the purpose of assisting law enforcement agencies in conducting investigations by tracking the sale and possession of specific firearms. Firearm trace reports may be requested by any law enforcement agency in the course of a bona fide criminal investigation. These reports generally reveal information on the original firearm purchaser, the original firearm retailer, the time period between the original purchase and recovery of the firearm, in some cases records of transfer of firearms between private citizens, any patterns in purchases made of that firearm, and other law enforcement agencies who are associated to the firearm from previous records. Accordingly, some Massachusetts law enforcement agencies submit their firearms trace information to ATF's web-based electronic firearms tracing program, eTrace, which is used to submit traces, receive results and analyze the agency's aggregate firearms trace data (Bureau of Alcohol, Tobacco, Firearms, and Explosives 2009).

As mentioned earlier, the Act also requested that law enforcement agencies report data on firearms used in crimes to the State crime gun database according to Section 131Q (see Page 5).

Nevertheless, since the passage of the new gun law, the 2015 Massachusetts State Police report on the data entered into the Massachusetts crime gun database indicated significant limitations in its use for analytical purposes. In general, the state crime gun database included information on firearms seized from 84 cities and only reported information on a total of 348 traces conducted in 2016. Given the patterns and trends found in ATF's trace data collection system, it is clear that the information being collected by the state is limited and future recommendations in this report include a more detailed discussion on possible solutions to remedy this issue.

Findings

Between January 2008 and December 2015, the ATF received information from law enforcement agencies in Massachusetts for a total of 13,864 recovered firearms. As shown in Figure 10, the total number of firearm traces conducted by Massachusetts law enforcement agencies fluctuated between 1,500 and 2,200 annually during this time period. Of the total number of recovered firearms, Boston accounted for nearly one-third (4,209) of the total number of recovered firearms reported from Massachusetts during this time period. More recently, Boston submitted information on 600 firearms recovered in 2015, which represents the largest number of traced firearms between 2008 and 2015. At the same time, one-third of the firearms traced in 2015 were reported by the following nine cities: Springfield (97), New Bedford (75), Lynn (66), Brockton (61), Holyoke (59), Attleboro (53), Methuen (53), Lawrence (40), and Worcester (38).¹⁷ The final one-third of firearm traces in 2015 were conducted by 127 other municipalities. Although the overall ATF trace data for Massachusetts illustrates a recent decline in firearm traces since

¹⁷ Due to the gaps in trace data being reported across the time period (2008-2016), we do not examine the trends in firearm traces reported to ATF by other individual jurisdictions outside of Boston.

2010, it is important to highlight that not all firearms used in crime are traced and not all firearms traced are used in crime.

Figure 10. Total Number of Firearm Traces Reported to ATF, 2008-2015.



Based on interviews with law enforcement officials and other state representatives, it is clear that not all agencies utilize the ATF's eTrace system. On the one hand, some agencies currently using the system have been trained and, therefore, gained access following investigations while working with ATF. On the other hand, some agencies infrequently recover firearms and, therefore, they have not sought training and access to the ATF eTrace system. Nevertheless, more than 6,000 law enforcement agencies are currently registered for eTrace in the United States.¹⁸

¹⁸ See the following ATF Fact Sheet for more information on patterns and trends: <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-national-tracing-center>.

For firearms traced through the e-trace system there is currently an infrastructure in place to conduct analyses of trace results. This involves the Firearm Trafficking Task Force of the Bureau of Alcohol Tobacco, Firearms and Explosives (ATF) and the Crime Gun Unit of the Massachusetts State Police. Individuals associated with the Task Force provide training of how to utilize and analyze the e-trace system. One limitation of the original trace information was that a law enforcement agency could only view results from their jurisdiction. For most Massachusetts police agencies they do not have a sufficient volume of traces to provide a meaningful analysis. More recently however ATF has developed a “Collective Data Sharing” program that allows law enforcement to view the results of all agencies in their state who subscribe to Collective Data Sharing. This allows for more data and a richer and more helpful analysis. Unfortunately, many Massachusetts agencies do not belong to Collective Data Sharing but if the number of agencies could be increased it might improve our ability to understand the trafficking of firearms within our state.

Recommendations

Based on the data and information collected on the firearm trace data reported by Massachusetts to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and the Massachusetts State Police, it is evident that there are limitations with the implementation of parts of the provisions of the new gun law. Below we provide some recommendations based on the data and interviews conducted with law enforcement officials and other key stakeholders.

- ✓ A policy group should be formed to investigate how data from ATF’s eTrace system and the Massachusetts Crime Gun database can be merged to avoid duplicate entry of firearm trace data by law enforcement agencies.

- ✓ The Massachusetts Chiefs of Police Association (MCOPA) and the Massachusetts Major City Chiefs (MMCC) Association should conduct an analysis that examines the barriers to participate in the collective data sharing program of ATF.

Objective 4. Evaluation of Suicide Prevention Initiatives

Background

The Act requires all licensed gun dealers in the Commonwealth to post and provide information about suicide awareness and prevention at the point of sale. The Act also requires that the board of registration in medicine to develop a professional training module on suicide prevention through reduction of access to lethal means. The Act also creates a Task Force, which shall study and report on suitable and feasible options for the safekeeping of a distressed person's firearms in a location away from that person's residence.

Findings

Members of the research team visited a number of gun dealers in addition to conducting interviews with police officials. Based on many observations and numerous interviews, it appears that gun dealers are complying with this statutory requirement and posting suicide prevention information in a clear location visible to buyers. Most gun dealers surveyed had received materials from the Department of Public Health. In most of the dealers we visited the suicide hot line information was displayed at the point of sale and the suicide prevention brochure was provided to those who purchased a firearm.

It is also a requirement in the Commonwealth that police chiefs inspect each licensed firearm dealer in their jurisdiction each year. In our interviews with chiefs it appears that an inspection template used by many chiefs includes verifying the required suicide prevention information is displayed and the chiefs we spoke with did find that this requirement of the 2014 statute was being followed in firearm dealers operating in their jurisdiction.

In another recommendation from the new gun law, a task force has been formed to look into ways to remove firearms from a home where family members fear a member of the family may harm themselves or others. The task force includes representation from law enforcement as well as mental health communities and has been meeting for a large part of this past year. The task force is expected to release its report this fall.

In conversations with firearm dealers we heard a good deal of skepticism about providing suicide prevention information at the point of a firearm sale. Most gun dealers thought that providing materials at the point of sale was not going to be effective and a number suggested increased access to mental health services for individuals who are experiencing mental health problems would be more effective. Few of the dealers we spoke with had experienced a situation where a clearly agitated or troubled person was attempting to purchase a firearm.

Recommendation

- ✓ The state should continue to support evidence based mental health services that can be made available to individuals expecting both long term and short-term mental health crises.

Objective 5. Impact of New License Renewal Procedures on Delays

Background

According to the new gun law, firearms licenses will remain valid after the expiration date of the license if the firearm license holder submits a renewal application prior to the expiration of the current license. The license shall remain valid until the application for renewal is either approved or denied and the licensee must present a valid receipt issued by his/her local licensing authority to show that the renewal application was submitted prior to the expiration of the current license. This amendment made in M.G.L. Chapter 140 Section 31 is described as follows:

The receipt shall be provided to the applicant within 7 days by mail if the application was received by mail or immediately if the application was made in person; provided, however, that the receipt shall include the applicants' name, address, current firearm identification card number, if any, the current card's expiration date, if any, the date when the application was received by the licensing authority, the name of the licensing authority and its agent that received the application, the licensing authority's address and telephone number, the type of application and whether it is an application for a new card or for renewal of an existing card; and provided further, that a copy of the receipt shall be kept by the licensing authority for not less than 1 year and a copy shall be furnished to the applicant if requested by the applicant.

The receipt developed by the Executive Office of Public Safety and Security (see Appendix B for copy of state receipt) may be used to conduct any firearm transactions in accordance with the license while the applicant waits for the license to be approved or denied by their licensing authority.

Findings

Based on interviews with local firearm owners in Massachusetts, one of the main concerns expressed by residents is with regards to the delays in processing renewals that often lasted past the renewal date thus raising questions about the gun owners' authority to possess and carry firearms. The Act provides an indefinite grace period if an applicant submits a renewal application prior to the expiration of his/her current license. Applicants are given a state renewal receipt to confirm that they have submitted a renewal application and, therefore, may still conduct firearm transactions in accordance with the law.

Local law enforcement, state officials, members of gun rights' groups and gun control advocates also indicated that this aspect of the law was working very well. We heard of no particular problems caused by the change in the statute and heard from many gun owners that felt satisfied with the new process. According to a recent audit by the Massachusetts Inspector General, the wait time for license renewals had decreased to 55 days on average. With the change in the new gun law, the concern associated with the delays has decreased significantly.

The main problem we did hear about was that in some rare instances a clerk in a gun store would look at the license of the person who was attempting to purchase a firearm, note that the license was past the renewal date, and refuse to sell the firearm to the purchaser. This was a rare event and seems like a training issue between gun store owners and their clerks.

Objective 6. Report on School Safety Plans

Background

Following the recommendations issued by the Committee to Reduce Firearm Violence, the Act encourages all jurisdictions to utilize School Resource Officers in order to guide and support schools and communities with regards to their safety and security. Specifically, school resource officers are defined in M.G.L. Chapter 140 Section 11 as follows:

“School resource officer”, a duly sworn municipal police officer with all necessary training, up-to-date certificates or a special officer appointed by the chief of police charged with providing law enforcement and security services to elementary and secondary public schools.

While law enforcement and school officials are encouraged to assign at least one school resource officer to serve their community, the commissioner of elementary and secondary education may waive this requirement. However, schools must submit a written application with the following evidence: (i) the reasons for the waiver request; (ii) data or evidence supporting the waiver request; and (iii) a description of, and supporting data for, alternative procedures and resources relied upon to ensure safe schools.

Additionally, schools are asked to submit their school plans to the local police department, fire department, Massachusetts emergency management agency, and any regional law enforcement agency. These plans should be reviewed and discussed between local law enforcement and the school district to identify public safety features in order to encourage and promote safety and security in all schools and surrounding communities. Such school safety plans would remain on file by each agency and are subject to change given the recommendations from local law enforcement and school officials.

Finally, the new gun law called for the creation of a state commission that would investigate and issue recommendations to identify best practices in the development and implementation of safe and supportive school frameworks across the Commonwealth of Massachusetts. These safe and supportive school frameworks would foster “a safe, positive, healthy and inclusive whole-school learning environment” in schools across the Commonwealth of Massachusetts. These frameworks are subject to changes made by state and local officials following an assessment of its ability to establish a safe and supportive environment.

Findings

Based on information collected from interviews with local law enforcement and school officials as well as data collected from the police chiefs survey, most respondents verified that their communities had a strong and positive relationship between the local law enforcement and the school district. Longstanding relationships between local law enforcement and school officials were often cultivated informally through collaborative projects in the community in order to improve the schools’ conditions. Thus, the provision that calls for increased communication between local law enforcement and school officials did little to change the existing relationships in some communities. Nevertheless, police chiefs and school superintendents both agreed that it is important for law enforcement and schools to work together to develop more effective policies and practices in terms of school safety plans. Strong communication between local law enforcement and school officials help to develop school safety plans that permit both to reach an agreement about how to prepare for and respond to potential threats to the school and surrounding area in case of an urgent threat that calls for an immediate response by local law enforcement.

In a few cases, local law enforcement and school officials acknowledged that the relationship between law enforcement and the school districts was not strong. Some respondents cited the uneven distribution of local funding to schools and unwillingness to work together as a reason for these soured relationships. One superintendent suggested that this uneven distribution of wealth and resources in a city/town undergoing tight budget restrictions may lead to negative relationships between law enforcement and school officials. It appears that the encouragement provided in the statute was not sufficient to improve these difficult situations at least in a small number of communities.

Additionally, many local officials agreed that school safety plans were an important tool in developing a safe and secure school environment. Local officials thought school safety drills, like fire drills, were important and helped to prepare both police officers, students, and school personnel in the unlikely event of an active shooter. Many police chiefs debrief school officials following the school safety drills to see if the procedures should change following a practice drill. At the same time, a number of school officials indicated that a handful of school leaders who were concerned about the students and parents' reactions to drills were less enthusiastic about conducting school safety drills in some schools, such as elementary schools. Based on discussions with school personnel that conduct school safety drills regularly, the anxiety experienced by students and parents can be minimized with age appropriate conversations before, during, and after the drill. School officials have found that these conversations with students before the drill and prior notice to parents has been effective in reducing anxiety in their communities.

Additionally, a large number of local law enforcement and school officials have indicated that they have adopted ALICE (Alert, Lockdown, Inform, Counter, Evacuate) training in their

school safety plans. As of May 2017, approximately 220 Massachusetts public school districts are currently participating in this training. Furthermore, this practice has been endorsed by other law enforcement agencies across the country and stands in line with recommendations issued by the Federal Department of Education, the FBI, the Department of Homeland Security (DHS), and FEMA. More recently, members of the Massachusetts Task Force on School Safety and Security have also issued a recommendation for the adoption of ALICE training for school safety in Massachusetts.

Another approach adopted by some Massachusetts school districts and law enforcement officials is a hybrid model of Run-Hide-Fight, a federal homeland security program that was established as a second, more pro-active form of training against active shooters. The training is fairly similar to ALICE training in that it promotes movement over lockdown. The difference, however, has been subject to much scrutiny, especially as it pertains to students in Kindergarten through 12th Grade. Run-Hide-Fight does not put emphasis on evacuating, rather individuals are trained to hide and barricade themselves in rooms, using large pieces of furniture, etc. Traditionally, the model teaches individuals to incapacitate the shooter if their life is in imminent danger. While the point of ALICE training is to distract the shooter or reduce the shooter's accuracy, Run-Hide-Fight puts more emphasis on not only creating chaos, but incapacitating the shooter giving it a more aggressive connotation. Nevertheless, a handful of schools have adopted a hybrid model of this approach to instruct their students, staff, and faculty on their school safety protocol. However, it has not been immune to criticisms that suggest it may promote students to be more active in a dangerous situation than many parents might prefer.

Following the recommendation from the Committee to Reduce Firearm Violence, the Massachusetts Governor created a Cross-Secretariat Task Force on School Safety and Security on

January of 2014. The task force included the Secretary of Education, Health and Human Services, Public Safety, the Massachusetts State Police, the Massachusetts Association of School Superintendents, the Massachusetts Teachers Association, and the Massachusetts Chiefs of Police Association, and many others. Members of the Massachusetts Task Force on School Safety and Security met throughout the state while speaking to teachers, superintendents, parents, students, law enforcement officials, and various other experts in the field of school safety to understand the concerns and identify best practices with regards to school safety. The Massachusetts Task Force on School Safety and Security published their report in July of 2014 that includes different options and recommendations towards the development of a safe and supportive school framework.¹⁹ However, the report of the Massachusetts Task Force on School Safety and Security emphasizes the continued discussion among community leaders and other local officials to address the development and implementation of a safe and supportive school framework that address the needs of the school and local community.

¹⁹ For more information on the policies and practices issued by the Massachusetts Task Force on School Safety Security: <http://www.mass.gov/edu/docs/eoe/school-safety-security/school-safety-report.pdf>

Other Elements of the New Gun Law

Originally launched in 1998 by the Federal Bureau of Investigation (FBI), the National Instant Background Check System (NICS) was authorized under the Brady Handgun Violence Prevention Act of 1993 to instantly determine whether a prospective buyer is eligible to buy firearms in the United States. The system collects information from millions of records submitted by federal and state officials as well as U.S. territories in order to vet would-be purchasers of firearms at the point-of-sale.²⁰ The new 2014 Massachusetts gun law requires officials in the Commonwealth to submit more data to this federal system including state commitments for alcohol and/or substance abuse, commitments for mental illness or as dangerous persons, and convictions for domestic violence cases.²¹

According to the 2014-2015 Massachusetts report on firearm related activity, the Firearms Records Bureau (FRB) received more than 10,000 historical mental health commitments, as well as records of approximately 4,000 mental health and 1,500 substance abuse commitments made by state courts from the Department of Mental Health (DMH) since the passage of the new law. Specifically, M.G.L. Chapter 140 Section 98 made the following changes:

...the department of mental health shall, within 180 days of the effective date of this section, transmit to the department of criminal justice information services sufficient information to identify all persons known to the department to have been, within 20 years preceding the effective date of this section: (i) committed to psychiatric hospital, including commitments for mental illness pursuant to section 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c) of section 16 of said chapter 123 of the General Laws or a

²⁰ Before finalizing a sale, a federally licensed gun retailer must contact the FBI's NICS division, either by telephone or by computer, to determine if there are any statutory disqualifiers on file (such as the existence of a felony criminal conviction, a pending indictment or arrest warrant, a civil commitment for mental illness or substance abuse, or a dishonorable discharge from the armed forces) that would prohibit the sale.

²¹ The new Massachusetts gun law also noted, "...the court shall not transmit information solely because a person seeks voluntary treatment or is involuntarily hospitalized for assessment or evaluation."

commitment for substance abuse or alcoholism pursuant to section 35 of said chapter 123 of the General Laws; or (ii) determined by a court, board, commission or other lawful authority to pose a serious risk of harm.

Since the transmission of this information to NICS, the 2015 report found that “there have been multiple confirmed rejections on the basis of these newly-included Massachusetts records, including individuals seeking to purchase firearms in New Hampshire and Florida” (p. 12).

As a part of the state’s effort to implement the other provisions of the new law, the Department of Criminal Justice Information Services (DCJIS) and the Trial Court notify federal background checking authorities when courts issue restraining orders that require the surrender of firearms, or when courts appoint a guardian or conservator for an incapacitated person that has been found to lack mental capacity to contract or manage his own affairs. M.G.L. Chapter 140 Section 76 also made the following change regarding domestic violence offenses that serve as federal disqualifiers for firearms possession:

Upon entry of a conviction for any misdemeanor offense that has as an element the use or attempted use of physical force or the threatened use of a deadly weapon the court shall determine whether the victim or intended victim was a family or household member, as defined in section 1 of chapter 209A, of the defendant. If the victim or intended victim was a family or household member of the defendant, the court shall enter the offense, the chapter, section and subsection, if any, of the offense and the relationship of the defendant to the victim or intended victim upon the records and this entry shall be forwarded to the department of criminal justice information services for inclusion in the criminal justice information system and to provide the attorney general of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System or any successor system maintained to conduct background checks for firearm sales or licensing.

As noted in the provision, state courts will be required to make an independent finding at the time of conviction as to whether the victim in a given case was a “family or household member,” which

will allow DCJIS, and ultimately NICS, to maintain a record of whether an offense was “domestic” in nature.

IV. Recommendations

This report is meant to provide a comprehensive understanding on the implementation and ultimate effectiveness of the 2014 Massachusetts Gun Violence Reduction Act. Over the 12-month period, the research team sought to evaluate the implementation of the new gun law by gathering as much data and information from local gun dealers, law enforcement officials, the Executive Office of Public Safety and Security (EOPSS), representatives from the Gun Owners' Action League (GOAL), members of the Massachusetts Coalition to Prevent Gun Violence, Massachusetts school superintendents, and other key stakeholders. While this report briefly summarizes six areas that the law sought to address, there is still a need for a much more in-depth investigation into how these changes influence local communities in the reduction of gun violence in our homes, schools, workplace, and neighborhoods. Therefore, we emphasize that these recommendations have been developed to encourage state and local officials to continue working together to gain a better understanding and continue their efforts to assess the overall impact of the new gun law on gun violence.

✓ **New Firearm Licensing Procedures**

- Police chiefs in Massachusetts should use the findings from this report to refine their definition of unsuitability with examples and circulate to all Massachusetts police chiefs.
- Massachusetts judges should be updated on the appeal provisions provided for in the 2014 Massachusetts Gun Violence Reduction Act.

✓ **Firearms Tracing**

- A policy group should be formed to investigate how data from ATF's eTrace system and the Massachusetts Crime Gun database can be merged to avoid duplicate entry of firearm trace data by law enforcement agencies.
- The Massachusetts Chiefs of Police Association (MCOPA) and the Massachusetts Major City Chiefs (MMCC) Association should conduct an analysis that examines the barriers to participate in the collective data sharing program of ATF.

✓ **Suicide Prevention**

- The state should continue to support evidence based mental health services that can be made available to individuals expecting both long term and short-term mental health crises.

✓ **School Safety**

- Local community leaders, law enforcement, and school officials should examine the recommendations issued in the report by the Massachusetts Task Force on School Safety and Security and begin to discuss ways to incorporate some of these recommendations that best addresses the concerns and needs of the local community.

Appendix A

Ver. 2017-3-1

POLICE CHIEFS SURVEY ON MASSACHUSETTS GUN LEGISLATION

We invite you to take part in a study conducted by Northeastern University's Institute on Race and Justice and sponsored by the Massachusetts Executive Office of Public Safety and Security. The purpose of the study is to provide a comprehensive assessment on the impact of the 2014 Massachusetts Gun Violence Reduction Act. While we have gathered information on the number of firearm licenses issued across the state, we lack detailed information about the gun licensing procedures, gun sales, background checks, and firearms tracing. Gathering complete information from all police chiefs across the state is important to fully understand the impact of the new gun legislation. In addition to your general feedback, we will also ask that you provide us with information on the total number of firearm license applications processed and firearms recovered by your agency.

This online survey should take less than 30 minutes. The answers you provide on the survey will be combined with answers from many individuals and will be reported in the aggregate without a link to your name. If you provide any information about specific individuals, that information will be redacted from the notes. **Please complete the survey no later than Monday, April 17, 2017.**

There are no foreseeable risks or discomforts to you for taking part in this study. There are no direct benefits to you for participating in the study. However, the results of this survey may help us identify challenges related to the 2014 Massachusetts Gun Violence Reduction Act.

You will not be paid for your participation in this study.

The decision to participate in this research project is up to you. You do not have to participate and you can choose not to answer any question. Even if you begin the survey, you may stop at any time.

If you have any questions regarding electronic privacy, please feel free to contact Mark Nardone, NU's Director of Information Security via phone at 617-373-7901, or via email at privacy@neu.edu.

If you have any questions about this study, please feel free to contact the Principal Investigator, Jack McDevitt, PhD., at 617.373.3482 or by email at j.mcdevitt@neu.edu. Also, if you have any questions about your rights in this research, you may contact Nan C. Regina, Director, Human Subject Research Protection, 560-177, at 617.373.4588 or by email at irb@neu.edu.

This study has been approved by the Northeastern University Institutional Review Board (#17-01-16).

By clicking on the "accept" button below you are indicating that you consent to participate in this study. Please print out a copy of this consent form for your records.

ACCEPT



Survey Instructions:

Please answer the following questions to the best of your knowledge with regards to the implementation and effectiveness of the 2014 Massachusetts Gun Violence Reduction Act.

Part A:

In thinking about how the new gun legislation has affected your community, please tell me how much you agree or disagree with each of the following statements using the options below.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
1. Requiring individuals who want to possess a firearm to apply for a license helps to reduce gun violence and prevent suicide.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Residents who keep a firearm at home increases the risk of gun accidents or suicides.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Strict gun laws help to reduce gun violence and suicides.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Carrying firearms by citizens enhances public safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. The Massachusetts Gun Transaction Portal has improved residents' abilities to track the sale/purchase of firearms.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Residents frequently face technical issues when using the Massachusetts Gun Transaction Portal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Changing the renewal process to provide an indefinite grace period has been helpful to firearms license holders in my community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Gun crime rates have gone down in my community since the passage of the new Massachusetts gun law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Overall, the new Massachusetts gun law has made my community safer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part B:

In thinking about how the new gun legislation has affected your role as a licensing authority, please tell me how much you agree or disagree with each of the following statements using the options below.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
1. Requiring background checks reduces the risk of residents with serious mental illnesses from obtaining a firearm.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Requiring that licensing authorities issue a receipt to each applicant indicating that either a new or renewal firearms license application has been received is burdensome.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. I rarely deny a new or renewed license application.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Recovered firearms used in crime often come from guns sold in states outside of Massachusetts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Local school officials have contacted me about school safety plans on gun violence and suicide prevention since the passage of the new Massachusetts gun law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Overall, the new Massachusetts gun law has made my job easier.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part C: Instruction, Training, and Feedback

1. Have you or members of your agency received additional instruction/training from the Massachusetts Firearms Records Bureau after the passage of the new gun legislation?
(if no, skip question 2)
- Yes** **No**
-

2. If instruction/training was provided, was it helpful?
- Yes** **No**
-

a. What topics did the instruction/training cover?

3. Would you like to receive additional instruction/training?
- Yes** **No**
-

a. What would you like the instruction/training to cover?

Part D:

The following questions ask you to provide information on firearms licenses and tracing. Please be sure to respond to the following questions to the best of your knowledge. If you are unable to provide an exact count, please provide your best estimate and indicate that your response is an estimate.

1. Since January 1, 2016, approximately how many firearms license applications did your department...

a. Receive

Has this number increased, decreased, or stayed the same from 2015?

b. Deny

What was the most common reason for denying a license?

2. Since January 1, 2016, approximately how many firearms did your department...

a. Recover (if zero, skip to question 3)

b. Trace

c. If zero or some were not traced, what were the most common reasons for not tracing?

3. Since January 1, 2016, has your department filed charges under the new statutory crimes involving the use of firearms (e.g., assault and battery with a weapon)?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

a. If yes, approximately how many individuals were charged under the new statutory crimes?

4. Has your department submitted additional data to the federal National Instant Check System (NICS)?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Part E: Feedback and Focus Groups

We welcome any additional comments that you have about the Massachusetts gun legislation. Please provide that feedback below.

Would you be willing to participate in a focus group with researchers on this project to provide more information about the effectiveness and implementation of the 2014 Massachusetts Gun Violence Reduction Act?

Yes **No**

If yes, please provide your name and your contact information where you can be reached.

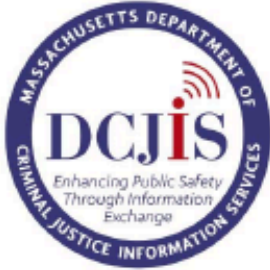
Name: _____

Contact Info: _____

Thank you for completing this survey. We appreciate your time and value your input.

Appendix B

Massachusetts State Renewal Receipt



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Department of Criminal Justice Information Services

200 Arlington Street, Suite 2200, Chelsea, Massachusetts 02150, MASS.GOV/CJIS
TEL: 617-660-4600 • TTY: 617-660-4606 • FAX: 617-660-4613

**THIS RECEIPT SERVES AS PROOF OF THE DATE OF SUBMISSION TO THE LICENSING AUTHORITY
FOR A NEW OR RENEWAL FID CARD OR LICENSE TO CARRY (LTC) FIREARMS APPLICATION ***

LICENSING AUTHORITY INFORMATION

Date/Time Received: _____

Receiving Official (Print Name): _____

Receiving Official Signature: _____

Licensing Authority: _____

Address: _____

City/State/Zip: _____

Phone: _____

APPLICANT INFORMATION

Name: _____

Residential Address: _____

Residential City/State/Zip: _____

Application Type: Please check one: NEW RENEWAL

License Type: _____

Current LTC/FID Card Number: _____

Expiration Date: _____