

Gun Violence in Oakland County

Report of the Public Services Committee
of the Oakland County Board of Commissioners

July, 2013

Bill Dwyer, Chairperson
Mike Bosnic, Majority Vice Chair
Helaine Zack, Minority Vice Chair
Shelley Goodman Taub
Gary R. McGillivray
Michael Spisz

The Committee would also like to acknowledge the participation of
Commissioner Marcia Gershenson

Dear Chairman Gingell,

On behalf of the Public Services Committee, I would like to submit this report containing the findings of the committee in completing their charge outlined in MR#13017.

MR#13017, as approved by the Board of Commissioners, **“requests the Public Services Committee to meet to examine issues germane to gun violence in Oakland County and the role of the Board of Commissioners, departments and agencies in combating it.”**

The Public Services Committee held five televised hearings focusing on several different fields of expertise and facets of gun violence prevention. The Committee was fortunate to have input from many significant speakers who work in and around these issues on a day to day basis. Each hearing has a separate group of experts. They were:

1. Local Law Enforcement
2. School Superintendents
3. Federal Law Enforcement
4. Mental Health Care
5. Gun Rights and Responsibilities

Oakland County residents are fortunate to have excellent public servants in all these areas. The committee was very impressed with the quality of work already being done and the diligence of all of those who spoke at the informational hearings.

There are no easy answers to the difficult questions that were examined by the committee. The recommendations contained in this report are not meant to be a wholesale solution for the prevention of gun violence in Oakland County. They do, however, offer significant insights into current practices and offer some suggestions for improvement.

As a 48 year veteran of law enforcement, I have personally felt and seen the effects of gun violence. As elected officials, we are charged to protect public safety and welfare. On behalf of the committee, we would like to thank the Board of Commissioners for this opportunity to look closely at this critical issue that goes to the heart of that charge.

Sincerely,

Bill Dwyer
Chairman, Public Services Committee
Oakland County Board of Commissioners

Expert Testimony

Local Law Enforcement

Mike McCabe, Undersheriff of the Oakland County Sheriff's Department

Michael Patton, Chief of the West Bloomfield Township Police Department

Bob Stevenson, Michigan Association of Chiefs of Police

School Safety

Marion Ginopolis, Superintendent, Lake Orion Community Schools

Ken Gutman, Superintendent, Walled Lake Consolidated Schools

Bill Pearson, Superintendent, South Lyon Community Schools

Daniel Nerad, Superintendent, Birmingham Public Schools

Federal and State Law Enforcement

Barbara McQuade, U.S. Attorney for the Eastern District of Michigan

Chris Hawkins, First Lieutenant, Michigan State Police, Commander of Legislative and Legal Resources Section

Daniel Roberts, Chief of Police for the Villages of Franklin and Bingham Farms
(retired Assistant Director, Federal Bureau of Investigation)

Expert Testimony (Continued)

Mental Health Care

Jeff Brown, Executive Director of the Oakland County Community Mental Health Authority

Malkia Newman, Community Educator at the Community Network Services Anti Stigma Program

Heather Visingardi, Vice President of Programs and Services for Common Ground, Inc.

Gun Ownership Rights and Responsibilities

Ryan Berman, Attorney and Firearms Safety Instructor

John Scott, Oakland County Commissioner and Gun Owner

Introduction

The Oakland County Board of Commissioners adopted Resolution #13017 on February 7, 2013 charging the Public Services Committee to:

“meet to examine issues germane to gun violence in Oakland County and the role of the Board of Commissioners, departments and agencies in combating it”

A series of public hearings were held by the Public Services Committee to fulfill this charge. Expert witnesses offered testimony and responded to questions from committee members. Throughout the process the public was invited to share their opinions and thoughts on the topic.

The Committee held five separate hearings focusing on different subject areas to bring focus to the discussion. They were: Local Law Enforcement; Federal/State Law Enforcement; School Safety; Mental Health Care and the Rights/Responsibilities of Gun Owners.

Having completed the information gathering process, the Committee is submitting this report with its findings.

Summary and Conclusions

The Committee was impressed with the expertise of the public servants who testified and the amount of work that is already underway to keep Oakland County citizens safe.

The committee is submitting a summary of the major points made by the expert panelists. While all of the testimony was excellent, no endorsement of the policies by the Committee should be inferred. This section is meant to give a brief overview of the content discussed in the hearings and the opinions captured were those of the expert panelists.

A common theme from these agencies was the desire for greater resources to fulfill their respective missions. These resources would broaden the reach and effectiveness of these excellent programs.

The Committee also found areas in laws and regulations where improvements should be made. Specific measures are recommended which could be accomplished by actions through both the County Commission, the agencies of county government it funds and by encouraging action by the responsible officials. These are outlined in several subject areas below.

Summary of Expert Testimony

Law Enforcement Information Databases

Information databases provide a key tool for law enforcement and registered firearms dealers to keep firearms out of the hands of individuals who have been deemed a threat to public safety under the law.

The National Instant Criminal Background System or NICS is operated by the Federal Bureau of Investigation to provide instant information to decision-makers in the permitting of firearms.

The Law Enforcement Information Network or LEIN provides state and local law enforcement with information on individuals. LEIN is used by law enforcement agencies that process Concealed Pistol Licenses or CPLs.

Court and Law Enforcement Information System or CLEMIS is operated by the Oakland County Information Technology Department and provides extensive information for law enforcement in a central computer database.

The information in federal, state and local law enforcement database systems would be improved by integration in an easily accessible central system.

Significant efforts are necessary on a national level to improve input of information from the states. Michigan has the third best record in the country for input of mental health records into the NICS database. Lower participation by other areas of the country compromises local efforts to fully enforce existing laws. Michigan should build on its positive record of inputting data.

The information in the law enforcement databases have proved effective in the prevention of criminals obtaining dangerous firearms. The greater degree that these databases are accessed and utilized in firearms transactions, the higher the likelihood that dangerous firearms are kept out of the hands of dangerous individuals.

Currently there are services available for individuals who engage in private firearm sales to perform background checks on a voluntary basis.

Officials who deny a firearms permit should be encouraged to enter the denial into the database systems. This additional information will assist officials when individuals seek to gain a permit in other communities.

Summary of Expert Testimony (Continued)

Information on illegal drug abusers and perpetrators of domestic violence is currently not required to be entered in all law enforcement databases. A history of illegal drug abuse or domestic violence can be used in the determination of whether a law enforcement agency issues a firearms permit. Inclusion of this data will assist law enforcement to make informed decisions.

Law enforcement officials are bearing the burden of the lack of access and the lack of treatment for individuals who suffer from a mental illness or substance abuse problem. These individuals are requiring an increasing amount of law enforcement resources. The early intervention and treatment of these individuals would reduce crime.

The high degree of quality and amount of information available in CLEMIS sets our area apart from other communities. Greater use of the CLEMIS system by surrounding communities will help keep our region safer and be of benefit all citizens.

Law Enforcement

Law Enforcement agencies are providing a level of protection and a degree of care for their mission that is putting Oakland County ahead of many other communities in the arena of public safety. Agencies demonstrate a high level of interdepartmental cooperation, providing numerous positive outcomes in areas such as training, public education and crime prevention. The use of the CLEMIS database system also puts Oakland County ahead of many other communities by providing an amount and quality of information that exceeds the standard throughout the state.

Federal and state law enforcement agencies also demonstrate a high degree of care and excellence in protecting the public. The FBI has made significant progress in the quality and accuracy included in the NICS system. The U.S. Attorney has achieved a commendable record of success in fighting and prosecuting crimes in our region. The Michigan State Police have put our state ahead of others in the input of information in databases and in their daily work of informing the public about gun safety.

The U.S. Attorney's Office is taking a lead in efforts to protect at-risk individuals from falling into criminal life. U.S. Attorney Barbara McQuade's efforts under "Project Ceasefire" have had great success in youth intervention by providing better options and an understanding of the consequences of criminal behavior. Panelists indicated that resource constraints have limited this program to the Detroit area and Oakland County communities could benefit from its expansion.

The rate of rejection of Concealed Pistol License applications is only 2% and most individuals successfully obtain licenses. This is a positive indication that the vast majority (98%) of permit requesters are law abiding citizens.

Summary of Expert Testimony (Continued)

Mental Health Care

Early intervention and effective treatment of persons suffering from mental illness should be given a greater priority and would be a wise investment.

Panelists testified that a greater amount of resources would significantly improve access for mental health care services, public education and awareness. Convincing evidence shows that early intervention and effective treatment have a significant impact on improving mental health. The result of improved mental health care access could significantly drop the rate of criminal activity.

Efforts should be increased to enlist the public in identifying individuals who demonstrate the warning signs that they may be suffering from a mental illness. Improved public awareness could be achieved by promotion of the warning signs and information on to how to seek help.

Anti-stigma campaigns are necessary to increase the number of individuals who will seek help and the effectiveness of treatment. Only 4% of violent crimes can be attributed to individuals with severe mental illness according to a recent study. Singling out this population in the gun violence debate has the risk of increasing stigma.

Common Ground's crisis line services are assisting at-risk individuals. Citizens would benefit from increased public awareness of the number and alternative methods of receiving assistance available such as live chat and text messaging.

School Safety

School officials take very seriously their responsibility to keep children safe. The Committee was impressed with the work already underway in many public school systems in Oakland County. Regular training and extensive planning have been undertaken to provide protection for students and the steps to undertake in a crisis situation. Significant investments have been made in student safety in both equipment and personnel to improve the overall preparedness of some school facilities.

Federal and state resources for school safety are needed by Oakland County community schools to implement plans and provide programs for safe schools. Financial constraints are limiting the ability of districts to provide proven violence prevention and intervention, such as school liaison law enforcement officers on campus and equipment to improve building security. In addition, limitations in the state sinking fund laws are restricting the ability of local districts to ask voters for additional funds for safety measures.

Summary of Expert Testimony (Continued)

School liaison law enforcement officers have had a very positive impact on overall safety and the reduction of violence in schools. These positions have been cut back in many communities due to financial constraints.

More efforts should be undertaken to inform and train people who interact with students every day in identifying the warning signs and risk factors of mental illness. Consistent and ongoing training of teachers and administrators should be undertaken on a regular basis. Public awareness targeted at parents and students on how to recognize these factors and where/how to seek help.

Schools are offering a varying degree of activity in promoting school safety. There is a lack of a uniform model policy and best practices on a federal, state and regional basis. Such a policy would not only improve protections, but also save school districts significant scarce dollars by not duplicating efforts.

Law enforcement agencies are working well with local schools to be partners in safety. The cooperation of law enforcement was evident in such areas as planning for crisis events, providing threat assessments and conducting regular drills in schools. These partnerships could be enhanced with regular direct phone and surveillance access from schools to law enforcement agencies, improving response efforts to significant events.

Gun Ownership Rights and Responsibilities

Any regulation or policy regarding gun ownership must respect the rights granted to law abiding citizens in the 2nd Amendment to the U.S. Constitution. The guarantee of a right to bear arms affords every citizen the opportunity to protect themselves and their families. The lack of effectiveness of increasing bans on more types of weapons was a consistent theme throughout the testimony. Efforts should be focused on enforcing existing laws, giving public safety officials the tools they need and targeting current resources for programs that have been demonstrably successful in preventing violent crimes.

Recent events have highlighted the responsibilities that come with gun ownership. More education is needed promoting the importance of the proper securing of weapons when not in use and other general gun safety practices. The rapid and accurate reporting of stolen weapons provides law enforcement with a valuable tool and protects individuals.

Committee Recommended Action Items

Law Enforcement Information Databases

- Improve the integration and sharing of data between federal, state and local law enforcement information databases.**
- Commend Michigan's positive track record of inclusion of mental health information in the NICS system and continue to improve the degree to which we share data with the FBI.**
- Encourage the consistent usage of universal law enforcement instant background checks in firearms sales.**
- Recommend the availability of all law enforcement databases for a secure, easy to use voluntary instant background check system for participants in a private exchange of firearms.**
- Encourage the consistent input of denials of firearms permits by federal, state and local law enforcement agencies.**
- Recommend the greater integration of adjudicated illegal drug sales and domestic violence offenses by federal, state and local law enforcement agencies into the NICS system.**
- Aggressively pursue the expansion of CLEMIS to non-participating law enforcement agencies throughout the region.**

Law Enforcement

- Recognize and build upon the strong degree of cooperation between law enforcement agencies across jurisdictional lines.**
- Effective and continual cross-training of law enforcement.**
- Consistent and adequate resources, within budget constraints, should be provided to law enforcement.**
- Change state sentencing guidelines to provide tougher penalties for perpetrators of violent gun crimes and when appropriate prosecute violations under federal laws that hold greater penalties.**

Committee Recommended Action Items (Continued)

-Pursue the expansion of the U.S. Attorney's Project Ceasefire program to add the at-risk youths of Oakland County.

-Publicly promote the success of the Sheriff's Gang Violence Task Force in reducing violent crime and apprehending criminals.

-Educate private citizens to be the eyes and ears in their communities for potential violence threats and how to report these concerns.

Mental Health Care

-Improved access to mental health care services.

-Support efforts to remove the stigma associated with mental health treatment.

-Promote public awareness campaigns to improve the understanding of citizens of the warning signs and risk factors of at-risk individuals.

-Promote the development of citizen volunteers to provide individual assistance as outlined in successful programs such as "Mental Health First Aid" and "Stomp Out". Ambassadors from every community in the County should participate to help build awareness in their area.

-Promote the variety of crisis intervention services such as Common Ground's crisis hotline and new alternative ways of seeking help through new technology, such as live chat and text messaging.

-Inform medical education leaders and appropriate licensing agencies of the importance of greater mental health care training to physicians and other health care providers.

-Undertake a sticker campaign recognizing retailers who commit to and adopt effective policies to not sell violent video games to individuals who do not meet the ratings requirements printed on the games.

School Safety

-Develop a model school safety policy and best practices on a federal, state and regional level.

Committee Recommended Action Items (Continued)

- Express support to state and federal legislators as well as school administrators for a requirement that all schools adopt limited entry procedures that limit and monitor access to facilities.
- Development of a model program and best practices to educate school faculty, parents and students on a consistent and ongoing basis to identify the warning signs and risk factors of at-risk youth.
- Encourage every school district to evaluate the need for law enforcement liaisons to provide assistance and services to educators and students in improving overall student safety.
- Provide direct access to school surveillance and appropriate communication equipment for law enforcement agencies.
- Grant greater flexibility to schools, libraries and hospitals to determine the appropriate firearms and safety policies on their campuses.
- Undertake ongoing, consistent checks to ensure schools have an effective emergency plan for violent situations. Test these plans by performing frequent safety drills with faculty and students.
- Highlight the value of regular threat assessments by qualified law enforcement or private vendors of school facilities and practices.
- Request state support of Youth Assistance and suggest that it be provided throughout Michigan.

Gun Ownership Rights and Responsibilities

- Promote continual effective gun safety practices through public awareness and regular training. Increase public awareness of the proper securing of firearms and the penalties associated with the failure to do so.
- Encourage all stakeholders in the gun ownership debate to continue to participate and build upon their efforts to increase public knowledge of gun safety and the importance of access to care for at-risk individuals.
- Provide greater public awareness of the importance of rapidly reporting stolen weapons.
- Promote a public awareness campaign of the additional safety afforded by purchasing firearms through a registered federal firearms dealer.