

Case No. 19-56004

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In the United States Court of Appeals  
for the Ninth Circuit

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STEVEN RUPP, et al.,  
*Plaintiffs-Appellants,*

v.

XAVIER BECERRA,  
in his official capacity as Attorney General of the State of California,  
*Defendant-Appellee.*

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On Appeal from the United States District Court  
for the Central District of California  
Case No. 8:17-cv-00746-JLS-JDE

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**APPELLANTS' EXCERPTS OF RECORD  
VOLUME V OF XXII**

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January 27, 2020

Under Federal Rules of Appellate Procedure for the Ninth Circuit, rule 30-1, Plaintiffs-Appellants Steven Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and California Rifle & Pistol Association, Incorporated, by and through their attorney of record, confirm to the contents and form of Appellants' Excerpts of Record.

Date: January 27, 2020

**MICHEL & ASSOCIATES, P.C.**

s/ Sean A. Brady

Sean A. Brady

*Attorneys for Plaintiffs/ Appellants*

*Steven Rupp, et al.*

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### **CERTIFICATE OF SERVICE**

I hereby certify that on January 27, 2020, an electronic PDF of APPELLANTS' EXCERPTS OF RECORD, VOLUME V OF XXII was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Date: January 27, 2020

**MICHEL & ASSOCIATES, P.C.**

s/ Sean A. Brady

Sean A. Brady

*Attorneys for Plaintiffs-Appellants*

*Steven Rupp, et al.*



# EXHIBIT 54

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
3 SOUTHERN DIVISION

-----x  
4 STEVEN RUPP, et al.,  
5 Plaintiffs,  
6 vs. Case No.  
7 8:17-cv-00746-JLS-JDE

8 XAVIER BECERRA, in his  
9 official capacity as Attorney  
10 General of the State of  
11 California,  
12 Defendants.  
13 -----x

14 DATE: Friday, December 14, 2018  
15 TIME: 10:30 a.m.

16 Video deposition of the Defendant's Expert,  
17 LUCY P. ALLEN, taken by Plaintiff, pursuant to  
18 notice, held at the offices of NERA ECONOMIC  
19 CONSULTANTS, 1166 Sixth Avenue, New York, New  
20 York 10036, before Elizabeth Willeski,  
21 RPR, of Veritext Legal Solutions, a Notary Public  
22 in and of the State of New York.

23 Job No. 3135717  
24 Pages: 1-119  
25

A P P E A R A N C E S:

On behalf of Plaintiffs:

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STATE OF CALIFORNIA DEPARTMENT OF JUSTICE

300 S. Spring Street, Suite 1702

Los Angeles, California 90013

(213)897-4902

Also present: Deverell White, Videographer

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1 VIDEOGRAPHER: We are going on the 10:30  
2 record at 10:30 a.m., December 14th, 2018. 10:31  
3 Please note that the microphones are 10:31  
4 sensitive and may pick up whispering or 10:31  
5 private conversations. Please place all cell 10:31  
6 phones away from the microphones, as they can 10:31  
7 interfere with the deposition audio. 10:31  
8 Audiovisual recording will continue to take 10:31  
9 place unless all parties agree to go off the 10:31  
10 record. 10:31  
11 This is Media Unit 1 of the video 10:31  
12 recorded deposition of Lucy P. Allen, taken 10:31  
13 by counsel for the Plaintiff in the matter of 10:31  
14 Steven Rupp, et al vs. Xavier Becerra. This 10:31  
15 case is filed in the U.S. District Court for 10:31  
16 the Central District of California, Southern 10:32  
17 Division. 10:32  
18 We're here at the office of NERA 10:32  
19 Economics Consulting, located at 1166 Avenue 10:32  
20 of the Americas, New York, New York. My name 10:32  
21 is Deverell White representing Veritext Legal 10:32  
22 Solutions. The court reporter is Elizabeth 10:32  
23 Willeski from Veritext Legal Solutions. At 10:32  
24 this time, will counsel please enter their 10:32  
25 appearances and information for the record. 10:32

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1 MR. BRADY: Sean Brady for the 10:32  
2 Plaintiffs. 10:32  
3 MR. ECHEVERRIA: John Echeverria for the 10:32  
4 Defendant. 10:32  
5 VIDEOGRAPHER: Will the reporter please  
6 swear the witness.  
7 L U C Y A L L E N, called as a witness, having  
8 been first duly sworn by a Notary Public of  
9 the State of New York, was examined and testified  
10 as follows:  
11 EXAMINATION BY BRADY: 10:32  
12 Q Good morning, Ms. Allen. My name is 10:32  
13 Sean Brady. I am an attorney for the Plaintiffs 10:32  
14 in the matter of Rupp v. Becerra. Have you been 10:32  
15 designated as an expert by the Defendant, 10:32  
16 California Attorney General, in the matter of Rupp 10:32  
17 v. Becerra? 10:33  
18 A Yes. 10:33  
19 Q And what exactly were you asked to do as 10:33  
20 an expert witness in this case? 10:33  
21 A I believe my report summarizes my scope. 10:33  
22 And I'm referencing a copy of my report here. 10:33  
23 MR. BRADY: Why don't we go ahead and 10:33  
24 mark as Exhibit 1 your report. 10:33  
25 MR. ECHEVERRIA: Sean, pardon me. Are

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1 we going to be marking starting at one or  
2 should we...

3 MR. BRADY: Oh, geez. Do you remember  
4 where we left off because you and Peter  
5 have...

6 MR. ECHEVERRIA: Yeah. If we just start  
7 at something high, like 80.

8 MR. BRADY: That's fine by me. 10:33

9 (Plaintiff's Exhibit 80 was marked for 10:33  
10 identification.) 10:33

11 Q Can you take a look at that, Ms. Allen, 10:34  
12 and confirm that it is indeed an accurate copy of 10:34  
13 your report in this matter. 10:34

14 A Yes, I believe so. 10:34

15 Q Okay. And what was your assignment in 10:34  
16 preparing this report? 10:34

17 A To analyze the use of assault weapons as 10:34  
18 defined under California law, including assault 10:35  
19 rifles, in public mass shootings, in addition to 10:35  
20 analyze the use of large capacity magazines, 10:35  
21 magazines capable of holding more than ten rounds 10:35  
22 in public mass shootings, particularly as they are 10:35  
23 used in conjunction with assault weapons in such 10:35  
24 mass shootings. 10:35

25 Q Okay. Were you just reading off of your 10:35

1 scope of assignment from your report? 10:35

2 A Yes. 10:35

3 Q Okay. So it's fair to say what is 10:35

4 written there as your scope of assignment is the 10:35

5 parameters of your assignment? 10:35

6 A I intended to put the scope of my 10:35

7 assignment under the heading, yes. 10:35

8 Q So you didn't do anything other than 10:35

9 what is described in your scope of assignment for 10:35

10 the purposes of this case? 10:35

11 A I believe that's correct. 10:35

12 Q Okay. And as an expert witness, what 10:35

13 expertise do you have that helps you with this 10:35

14 particular assignment? 10:36

15 A I have analyzed these particular issues, 10:36

16 or a number of these issues, a number of times 10:36

17 before. I have worked on gun-related data for -- 10:36

18 starting probably 20 years ago at NERA, I worked 10:36

19 on a number of matters. The particular sorts of 10:36

20 data that I have been looking at here, which 10:36

21 involve mass shootings, I have been analyzing that 10:36

22 data. I have done it -- I think maybe the first 10:36

23 time I particularly looked at mass shootings was 10:36

24 in one of the cases that I believe might be listed 10:37

25 in my CV. Perhaps it was before then, but anyway, 10:37

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1 it was maybe six years ago. So I have been 10:37  
2 updating some of this type of data over a number 10:37  
3 of years for a number of different matters. 10:37

4 Q Okay. My question is more about your 10:37  
5 special knowledge. What expertise do you have 10:37  
6 that allows you to do that analysis? 10:37

7 A Well, analyzing data is, and this sort 10:37  
8 of analysis, is something I have been trained to 10:38  
9 do and something that I have spent a large part of 10:38  
10 my career doing. 10:38

11 Q What sort of training did you receive to 10:38  
12 do this sort of analysis? 10:38

13 A I have an undergraduate degree from 10:38  
14 Stanford and graduate degrees from Yale 10:38  
15 University, and in the course of that education, I 10:38  
16 have taken numerous courses and been a teaching 10:38  
17 fellow in numerous courses that involve analysis 10:38  
18 of data, quantitative analysis, sorts of methods 10:38  
19 that are used in what I have done here. 10:38

20 Q So is it fair to say that your expertise 10:38  
21 is of the general evaluation of data? 10:38

22 A I think I have expertise in data 10:39  
23 analysis, yes. I think I have worked on a number 10:39  
24 of matters involving the sorts of data, the 10:39  
25 specific pieces of data and types of data that I 10:39

1 have looked at here I have been qualified by 10:39  
2 judges and courts as -- to testify on similar 10:39  
3 types of data and issues as I have done here. 10:39

4 Q So would you say that the substantive 10:39  
5 issue here, firearms, specifically assault 10:39  
6 weapons, would you say you have any particular 10:40  
7 expertise about firearms? 10:40

8 A I have, as I said, I have worked on 10:40  
9 firearms-related matters, many, over a period of 10:40  
10 20 years at NERA, and I have been qualified and 10:40  
11 testified as an expert in court a number of times 10:40  
12 on firearms-related issues. 10:40

13 Q And that's evaluating data about 10:40  
14 firearms, correct? 10:40

15 A I have used data on firearms -- 10:40

16 Q As far as -- 10:40

17 A -- in those matters. I don't know if I 10:40  
18 would call that evaluating data, but I don't 10:40  
19 particularly disagree with that. I don't know if 10:40  
20 I'm evaluating the data. I'm using the data and 10:40  
21 doing analysis on the data. 10:40

22 Q Okay. Analyzing data. We can use that. 10:40

23 A That's fine. 10:41

24 Q Okay. So do you have any formal 10:41  
25 training in firearm identification? 10:41

1           A     I don't believe so, no. I mean, I have           10:41  
2     taken some account at the shooting range and had           10:41  
3     some training, and I believe that involved some           10:41  
4     identification of firearms, but I wouldn't say           10:41  
5     I've had that -- that's one type of training in           10:41  
6     firearms that I recall.           10:41

7           Q     How many times have you been to a           10:41  
8     shooting range, more or less?           10:41

9           A     I can recall about six times where I           10:42  
10    have had some training in shooting.           10:42

11          Q     Other than those six times, have you           10:42  
12    shot a firearm?           10:42

13          A     I'm recalling approximately six times,           10:42  
14    but not -- that's what I'm recalling.           10:42

15          Q     And that's six times that you have shot           10:42  
16    a firearm; is that fair to say? I just want to           10:42  
17    determine whether we're talking about the amount           10:42  
18    of times you have shot generally or the amount of           10:42  
19    times you have received instruction. If that           10:43  
20    makes sense.           10:43

21          A     The times that I'm recalling I was           10:43  
22    receiving instruction as well as shooting. I'm .           10:43  
23    not sure if I recall times I was shooting without           10:43  
24    receiving instruction.           10:43

25          Q     Understood. So then it's fair to say           10:43

1 that six times is more or less your experience 10:43  
2 with shooting a firearm? 10:43  
3 A That's what I recall as I sit here right 10:43  
4 now. 10:43  
5 Q Okay. Do you recall what types of 10:43  
6 firearms you were shooting? 10:43  
7 A I don't. 10:43  
8 Q Do you recall whether they were handguns 10:43  
9 or long guns? 10:43  
10 A I believe most of them were long guns. 10:43  
11 That's my recollection. 10:43  
12 Q Were you indoor or outdoor, do you 10:43  
13 recall? 10:44  
14 A The times I'm recalling, I was outdoor. 10:44  
15 Q So long guns, do you recall whether they 10:44  
16 were rifles or shotguns? 10:44  
17 A I don't recall. 10:44  
18 Q Do you recall whether you were shooting 10:44  
19 little clay targets out of the air or if you were 10:44  
20 shooting long distances? 10:44  
21 MR. ECHEVERRIA: Objection. Vague. 10:44  
22 A I had gone clay shooting, which was 10:44  
23 shooting clay targets out of the air. I have also 10:44  
24 gone shooting with targets that were further away 10:44  
25 or I believe were further away than the clay 10:45

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1 targets where I have been clay shooting. 10:45

2 Q Understood. And so do you know whether 10:45

3 you were using a rifle or a shotgun when shooting 10:45

4 the clay targets? 10:45

5 A I just don't recall. I'm sort of mixing 10:45

6 a number of incidents over a large number of years 10:45

7 and I don't have a very specific recollection of 10:45

8 each of them. 10:45

9 Q Okay. Do you have any formal education 10:45

10 in criminology? 10:45

11 A I don't recall taking any specific 10:45

12 courses in criminology. They may have been an 10:45

13 aspect of some of the courses that I have taken. 10:45

14 Q So turning to page 4 of your report 10:46

15 under findings, which is Roman V, Methodology, A. 10:46

16 The very first sentence says: "We analyzed the 10:46

17 use of assault weapon and large capacity magazines 10:46

18 in public mass shootings using two sources." Is 10:46

19 that accurate? Did I accurately quote your 10:46

20 report? 10:46

21 A Yes. 10:46

22 Q When you say "we," who are you referring 10:46

23 to? 10:46

24 A I had a team that helped me with my 10:46

25 analysis here, from NERA. 10:46

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1 Q And how many people were on that team? 10:46

2 A The primary people that helped me with 10:46

3 analysis were Jorge Baez, Jake Brekelbaum, and 10:46

4 Alice Britta. In addition, I believe Augusta 10:46

5 Shastri assisted, and I had a peer reviewer from 10:47

6 NERA as well. 10:47

7 Q What is a peer reviewer? I'm sorry. 10:47

8 A Someone not involved in the analysis 10:47

9 that reviewed my report and analysis in this case. 10:47

10 Q For what purpose? 10:47

11 A To see that it meets the standards of 10:47

12 NERA for a peer review. 10:47

13 Q Does NERA have anybody with special 10:47

14 firearms knowledge that you can go to with 10:47

15 questions? 10:48

16 A NERA may. NERA has -- I have a 10:48

17 colleague who is a criminologist who I have 10:48

18 consulted on these analyses. I don't recall if it 10:48

19 was specifically this report or prior similar 10:48

20 analyses that I have conducted. 10:48

21 Q Do you know whether anybody on your team 10:48

22 has any firearms specific knowledge? 10:48

23 A I do know that the team who -- I know 10:48

24 the process of the coding of whether the weapons 10:48

25 met the assault weapons definition according to 10:49

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1 the State of California. So I know in coding 10:49  
2 whether assault weapons were involved in the mass 10:49  
3 shooting involved reviewing the California law and 10:49  
4 how California law defines an assault weapon and 10:49  
5 reviewing what is the meaning of those specific 10:49  
6 terms and how that was coded. So in the process 10:49  
7 of matching the weapons used in the mass shootings 10:49  
8 to determine whether or not they met the criteria 10:49  
9 of assault weapon according to the California law, 10:49  
10 that analysis required a matching of the law with 10:49  
11 the details that I have referenced in my report as 10:50  
12 by which we determined whether or not the weapons 10:50  
13 matched the definition of an assault weapon. 10:50

14 Q Can you explain to me how that coding 10:50  
15 works? 10:50

16 A Sure. So it's the same sort of coding 10:50  
17 that NERA does in all kinds of different cases and 10:50  
18 is something that we have standard approaches for 10:50  
19 doing. So there were two types of coding that we 10:50  
20 were doing. One is whether it was an assault 10:50  
21 weapon as defined under the California law, which 10:50  
22 related to three different statutes, which I have . 10:50  
23 referenced here, Penal Code 3510 -- I think it's 10:50  
24 3515 as well as -- I'm saying this off the top of 10:51  
25 my head -- but there is another one that ends in 10:51

1 99 -- Section 5499 I believe. So reviewing -- so 10:51  
2 one criteria was, is it an assault weapon 10:51  
3 according to those three statutes. I hope I'm 10:51  
4 correct in that each of those are a statute as 10:51  
5 opposed to a section or subsection -- I'm not sure 10:51  
6 of what the legal term is for those -- as well as 10:51  
7 whether they met the definition of what I am 10:51  
8 terming assault rifle, which is what I understand 10:51  
9 Plaintiffs are complaining about. So they are not 10:51  
10 complaining about all of the definitions of 10:51  
11 assault weapon according to California statute, 10:51  
12 but a subset of those, which are generally rifles. 10:52  
13 Q So just for clarification, and I think 10:52  
14 you have some more thoughts on that, but I want to 10:52  
15 clarify, when you say assault rifle, are you 10:52  
16 merely saying a rifle that meets the definition of 10:52  
17 assault weapon? 10:52  
18 A As it is complained about by Plaintiffs 10:52  
19 in this case. So -- and I have specified that, 10:52  
20 tried to be quite precise on that. So it's under 10:52  
21 the background, Paragraph 7. It's my 10:53  
22 understanding the Plaintiffs are challenging . 10:53  
23 certain provisions of California law related to 10:53  
24 rifles that would qualify as assault weapons under 10:53  
25 California penal codes. And then it lists that. 10:53

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1 For the purpose of this report, the term assault 10:53  
2 rifles does not include pistol shotguns, rifles 10:53  
3 with fixed magazines or rifles that are affixed 10:53  
4 with a grenade launcher. 10:53

5 Q So then, essentially, when you say 10:53  
6 assault rifles, you mean the rifles that meet the 10:53  
7 California definition of assault weapon that 10:53  
8 Plaintiffs are seeking to change the law on; is 10:54  
9 that fair to say? 10:54

10 A I think that's correct. 10:54

11 Q I just want to clarify because assault 10:54  
12 rifle does not appear in the statute, right? 10:54

13 A Correct. 10:54

14 Q It's the term assault weapon, right? 10:54

15 A Correct. 10:54

16 Q So I just wanted to clarify that that's 10:54

17 -- 10:54

18 A So I'm using assault weapon as it's 10:54  
19 defined in the statute, and I'm using assault 10:54  
20 rifle to mean the specific assault weapons the 10:54  
21 Plaintiffs are complaining about, as I understand 10:54  
22 it. . 10:54

23 Q Got it. Okay. So going back to the 10:54  
24 coding. So how would it work for you to do coding 10:54  
25 that would allow you to determine whether a 10:54

1 firearm is an assault rifle under California law? 10:54

2 A So we just said California law doesn't 10:54

3 use the term assault rifle. 10:54

4 Q Correct. 10:54

5 A So we're not doing whether it's an 10:54

6 assault rifle under California law. We're doing 10:54

7 whether it's an assault weapon under California 10:55

8 law, and then in that subset of assault weapons 10:55

9 under California law, is it one of the weapons 10:55

10 that Plaintiffs are specifically complaining 10:55

11 about, which as I understand, are the rifles that 10:55

12 are not including those with fixed magazines or 10:55

13 those equipped with a grenade launcher and that, I 10:55

14 believe, that Plaintiffs have issued, have 10:55

15 detailed specific sections that relate to what 10:55

16 they are complaining about. 10:55

17 Q Sure. So I guess I'll use the term 10:55

18 assault weapon instead of assault rifle. How did 10:55

19 you use coding to determine whether the 10:55

20 firearms -- let me ask you an initial question. 10:55

21 So all of the firearms that you referred to as 10:55

22 assault weapons in this report meet the California 10:56

23 definition of assault weapon? 10:56

24 MR. ECHEVERRIA: Objection. Calls for a 10:56

25 legal conclusion. 10:56

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1           A       So how -- the results of the coding -- I 10:56  
2       guess I could tell you a few different things -- 10:56  
3       one is the process of the coding, which is a sort 10:56  
4       of standard NERA process of entering and checking 10:56  
5       data and the results of that process, and 10:56  
6       specifically how each particular mass shooting has 10:56  
7       been coded. Appendix C to my report lists each of 10:56  
8       the mass shootings and details in bold which 10:56  
9       particular weapon that's involved in the mass 10:56  
10      shooting we have determined was an assault weapon 10:56  
11      or an assault rifle, and then the footnotes detail 10:57  
12      what particular piece of news or, you know, item 10:57  
13      gave us the information about the weapon that 10:57  
14      enabled us to determine that it was an assault 10:57  
15      weapon or an assault rifle, according to the 10:57  
16      definitions that we've just previously discussed. 10:57  
17           Q       So walk me through, please, the process 10:57  
18      with the coding. If, for example, in the No. 11 10:57  
19      on Appendix C, the Texas First Baptist Church, it 10:57  
20      says a Ruger AR-556. Walk me through how the 10:57  
21      coding would help you determine whether that is an 10:58  
22      assault weapon under California law. 10:58  
23           A       Okay. So the coding -- there's two 10:58  
24      different things. This is the results of the 10:58  
25      coding. The process is the law is explicit on 10:58

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1 what it defines. So sometimes it tells specific 10:58  
2 guns and models that are defined as assault 10:58  
3 weapons according to the law and other times it's 10:58  
4 features, so if it lists specific features. What 10:58  
5 we have done is search each of the mass shootings 10:58  
6 and look for news and other Google and Factiva 10:58  
7 searches on the mass shootings to find out details 10:58  
8 about the weapons that were used, and, 10:58  
9 independently, two research analysts have searched 10:58  
10 the mass shooting, found available information 10:59  
11 about the weapons that were used and then coded 10:59  
12 those weapons as to whether or not they met the 10:59  
13 definition according to California statute. And 10:59  
14 then separately, a separate research analyst did 10:59  
15 the same thing, and then they combined, and if 10:59  
16 there were questions, they came to me with, if 10:59  
17 there were issues about, questions about how there 10:59  
18 were ambiguities or how to code things and that 10:59  
19 was -- those were resolved and it was checked and 10:59  
20 then this is the result of that analysis. This 10:59  
21 shows, the table in Appendix C of my report, shows 10:59  
22 what either Citizens Crime Commission or Mother . 11:00  
23 Jones just said about the weapons used. And then 11:00  
24 it has the results of the coding that was done, 11:00  
25 whether it was an assault weapon or an assault 11:00

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1 rifle. It bolds, puts in bold what was the weapon 11:00  
2 that was determined to be that. And then the 11:00  
3 information about how -- what were the news 11:00  
4 stories or the detail that enabled us to determine 11:00  
5 that is both something that we turned over. We 11:00  
6 turned over all the stories that we looked at for 11:00  
7 every mass shooting as well as I believe we've put 11:00  
8 in the footnote, what is it, you know, 11:00  
9 specifically, that allowed us to, you know, what 11:01  
10 news stories gave us that detail. 11:01

11 Q Understood. So -- 11:01

12 A And I should note that I actually 11:01  
13 brought -- I have done -- since the time of my 11:01  
14 report, there was a police report that came out 11:01  
15 about one of the mass shootings that had updated 11:01  
16 information about the mass shootings and I have 11:01  
17 updated my Appendix B as well as a table that 11:01  
18 summarizes some of the information in Appendix B. 11:01  
19 I have updated it for that as well as a couple 11:01  
20 other issues that were -- confusions that were 11:02  
21 raised in Dr. Kleck's report that was in response 11:02  
22 to my report. 11:02

23 Q So you've seen Dr. Kleck's report? 11:02

24 A Yes, I have. 11:02

25 MR. BRADY: Will we be getting copies of 11:02

1           these? 11:02

2                   MR. ECHEVERRIA: We can mark it. 11:02

3                   MR. BRADY: Yeah, we might as well mark 11:02

4           it as 81. I guess we'll call it the 11:02

5           supplemental exhibit to the report. 11:02

6                   MR. ECHEVERRIA: Sure. Just a point of 11:02

7           clarification. I did mark Ms. Allen's report 11:02

8           as an exhibit during the deposition of Gary 11:02

9           Kleck, and that was Exhibit No. 44. So I'm 11:02

10          wondering if it would be possible to just 11:02

11          make this 80. We can just fix that right 11:03

12          now. 11:03

13                  MR. BRADY: So we're going to change 80 11:03

14          to 44 because it has already been entered 11:03

15          into the record in a deposition previous to 11:03

16          this, and now we will be marking as Exhibit 11:03

17          80 what Ms. Allen has described as an updated 11:03

18          version of her Appendix B to her report. 11:03

19                  (Plaintiff's Exhibit 80 was marked for 11:03

20                  identification.) 11:03

21          A       Appendix B and the table on page -- I 11:03

22          think it's 7 -- 7. And then the news item that 11:03

23          came out about the Yountville mass shooting. So a 11:03

24          news story. 11:04

25          Q       Does Exhibit 80 change your opinions in 11:04

1 any way, that you included in your report? 11:04

2 A Well, it does change the specific coding 11:04

3 of the Yountville mass shooting. So now I have 11:04

4 additional information based on a new police 11:05

5 report that came out that an assault weapon was 11:05

6 used and that a large capacity magazine was 11:05

7 involved, when previously I did not have that 11:05

8 information. So that's one. 11:05

9 Q Just so I'm clear, you added a shooting 11:05

10 that did involve the use of an assault weapon and 11:05

11 large capacity magazine? 11:05

12 A Correct. I didn't add a shooting. The 11:05

13 mass shooting is already on the list. It was 11:05

14 previously unknown whether an assault weapon was 11:05

15 involved or whether a large capacity magazine was 11:05

16 involved, and now additional information has come 11:05

17 out that shows that an assault weapon was involved 11:05

18 and that a large capacity magazine was involved. 11:06

19 Q Got it. 11:06

20 A So this is this new news story that was 11:06

21 a result of a police report that came out after my 11:06

22 report was written. And in addition, two other 11:06

23 things that I have done differently with regard to 11:06

24 the table and Appendix B, both in response to 11:06

25 Dr. Kleck's report. So Dr. Kleck seemed to be 11:06

1 under some confusion on what the criteria was for 11:06  
2 a mass shooting in my report, and he thought that 11:06  
3 because I had included the shooter in the count of 11:06  
4 casualties that I was including that in my 11:07  
5 definition of a mass shooting and that is not 11:07  
6 correct. 11:07

7 Q Okay. 11:07

8 A But just to -- I think it's clearer, I 11:07  
9 have now just reproduced those columns and I'm not 11:07  
10 including the fatalities with the shooter. 11:07

11 Q Okay. So -- 11:07

12 A So I had previously just -- as I had 11:07  
13 footnoted in my report, the column says I'm 11:07  
14 including the shooter. Now I'm reporting the 11:07  
15 numbers excludeing the shooter, just for ease. 11:07

16 Q Okay. 11:07

17 A So that's another update. In addition, 11:07  
18 Dr. Kleck had mentioned in his report that he had 11:07  
19 reviewed my classification of large capacity 11:07  
20 magazines by going to additional Google and 11:08  
21 Factiva or news sources, and he said he had 11:08  
22 reviewed them all over a certain number of years. . 11:08  
23 I believe he did that in a biassed way and only 11:08  
24 reviewed the ones that had large capacity 11:08  
25 magazines and tried to show that they didn't have 11:08



1 large capacity magazines rather than reviewing the 11:08  
2 ones that -- rather than doing it in a systematic 11:08  
3 way. So I have instead done what he said he has 11:08  
4 done and done that in an unbiassed way and rather 11:08  
5 than just relying on Mother Jones, information in 11:08  
6 Mother Jones and Citizens Crime Commission for the 11:08  
7 classification of large capacity magazines, I have 11:08  
8 done what Dr. Kleck has claimed that he has done 11:09  
9 but instead -- I don't believe he's done -- and 11:09  
10 gone and looked at other news sources to see what 11:09  
11 news sources say about large capacity magazines, 11:09  
12 and I have also updated the number of fatalities 11:09  
13 and injuries based on those news stories. 11:09  
14 Q Okay. 11:09  
15 A So -- 11:09  
16 Q There was a lot said, and I appreciate 11:09  
17 all the explanation. It actually clarifies some 11:09  
18 things. But I just want to ask a few questions to 11:09  
19 break down what you just said. I think I 11:09  
20 understand, but I want to confirm. So you did not 11:09  
21 include the shooter -- if the shooter died, if the 11:09  
22 bad guy died, you did not include that to meet the . 11:09  
23 standard of four or three -- whichever one you're 11:10  
24 using, we'll get to that in a second -- whether it 11:10  
25 met the definition of a mass shooting, right? 11:10

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1           A       Correct. So the definition of a mass       11:10  
2       shooting is as stated in my report. It is not       11:10  
3       based on whether the shooter died. The table, as       11:10  
4       also stated in my report, included casualties       11:10  
5       including the shooter.       11:10

6           Q       Got it. So it doesn't change the number       11:10  
7       of mass shootings, it just changes the amount of       11:10  
8       casualties in those mass shootings because you're       11:10  
9       taking out the bad guy?       11:10

10          A       That's right. I have now reported the       11:10  
11       casualties two different ways: One is including       11:10  
12       the shooter and one is excluding the shooter. I       11:10  
13       think that it may be less confusing to exclude the       11:10  
14       shooter in the casualties.       11:10

15          Q       Got it. Thank you for the       11:10  
16       clarification. Now --       11:10

17          A       And just to make it a little easier to       11:10  
18       understand, in the updated table, I now call it       11:10  
19       fatalities excludeing the shooter. And the other       11:11  
20       one was footnoted as including the shooter, but it       11:11  
21       wasn't in the heading.       11:11

22               MR. ECHEVERRIA: Ms. Allen, can I see a       11:11  
23       copy of Exhibit 80, just so I can read along.       11:11

24               MR. BRADY: I don't know how much more       11:11  
25       I'm going to be asking about Exhibit 80, but       11:11

1           you should have it just in case.           11:11

2           Q       What I did want to ask about is your           11:11

3       response to Dr. Kleck's criticisms that you didn't           11:11

4       do something, some research, and that he did do it           11:11

5       and you stated that he did it in a biased way.           11:11

6       Can you explain what you mean? What is your           11:11

7       understanding of what he did, and then I'll ask           11:11

8       you why you think it's biased, but if you can           11:11

9       explain your understanding of what he did, what he           11:12

10      claims he did.           11:12

11           A       Sure. He says in his report: Finally,           11:12

12      after checking on all of Allen's Appendix B           11:12

13      incidents that occurred in 2013 to 2017, I found           11:12

14      that her claims that incidents, specific incidents           11:12

15      -- he says -- involved 10, 30, and 35 involved           11:12

16      LCMs cannot be confirmed by news accounts.           11:12

17           MR. BRADY: Can we mark this as Exhibit           11:12

18      81. This is Dr. Kleck's rebuttal report,           11:12

19      just so the record shows what you're talking           11:12

20      about.           11:12

21           MR. ECHEVERRIA: This was previously           11:12

22      marked as Exhibit 30 during Kleck's           . 11:12

23      deposition. It did include your disclosure           11:12

24      of rebuttal witnesses. So there were           11:12

25      additional pages at the beginning of 30. It           11:12

1 looks like your copy excludes the disclosure 11:12  
2 and the slip sheet for Exhibit 30. 11:13  
3 MR. BRADY: Do you think that would make 11:13  
4 a difference. 11:13  
5 MR. ECHEVERRIA: I don't think it does. 11:13  
6 Q So you're referring to Exhibit 30 you 11:13  
7 have in front of you. 11:13  
8 MR. ECHEVERRIA: Hopefully this won't 11:13  
9 happen very much more. Apologies. 11:13  
10 MR. BRADY: I appreciate you keeping 11:13  
11 track of that. 11:13  
12 MR. ECHEVERRIA: We'll probably have to 11:13  
13 clean it up after the fact anyway. 11:13  
14 Q Can you let me know what -- 11:13  
15 A Page 23. 11:13  
16 Q Of Exhibit 30, page 23. Okay. And 11:13  
17 you're talking about the paragraph that begins 11:14  
18 "finally"? 11:14  
19 A Correct. 11:14  
20 Q And he says that incidents 10, 30, and 11:14  
21 35 involved LCMS cannot be confirmed by news 11:14  
22 accounts. 11:14  
23 A That's what he says. 11:14  
24 Q And so what did you do in response to 11:14  
25 that? 11:14

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1           A       I looked first at 10, 30, and 35. In 11:14  
2       addition, I did what he said he did, which I 11:14  
3       checked on all the incidents using the additional 11:14  
4       information of additional news reports. So he's 11:14  
5       looking at news reports other than those that I 11:14  
6       had looked at to analyze whether they are large 11:14  
7       capacity magazines. 11:14

8           Q       How do you know that? 11:14

9           A       Because he says that. 11:14

10          Q       Where? 11:15

11          A       "Either those cited in her two sources 11:15  
12       or in any I located using the news bank database." 11:15

13          Q       Okay. And you said that his process was 11:15  
14       biassed. Can you explain? 11:15

15          A       Well, he says he checked on all of the 11:15  
16       incidents in Appendix B, and when I do a news 11:15  
17       search and check on all the incidents in Appendix 11:15  
18       B, when I use additional news stories, I not only 11:15  
19       find that -- I did find that one of the incidents 11:15  
20       that he mentioned which appear to have an LCM, 11:15  
21       based on the information that I had, when you look 11:15  
22       at additional news stories appeared not to have an 11:16  
23       LCM. But I also found, going the other way, that 11:16  
24       there were, when I looked at additional news 11:16  
25       stories, I found that there were mass shootings 11:16

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1 that based on the information that I had used 11:16  
2 didn't indicate an LCM, but once I looked at 11:16  
3 additional news stories, they were LCMs. So it 11:16  
4 appears that all he did is actually look at the 11:16  
5 ones that I had coded as LCMs and see if he could 11:16  
6 show that they weren't LCMs, rather than using 11:16  
7 additional information and seeing if there were 11:16  
8 some that went one direction and some that went 11:16  
9 another. So bias is looking in only one 11:16  
10 direction, and it appears his analysis went in 11:16  
11 only one direction rather than looking at -- if 11:16  
12 he's going to bring in additional information and 11:16  
13 see if it gives you additional sources, then what 11:17  
14 I have done is look at additional news sources and 11:17  
15 -- rather than just Mother Jones and Citizens 11:17  
16 Crime Commission -- and see what the additional 11:17  
17 news stories say about large capacity magazines. 11:17  
18 And I have found some have gone one way and some 11:17  
19 have gone the other. 11:17

20 Q Are you saying for incidents numbers 10, 11:17  
21 30, and 35 in your Exhibit B specifically or are 11:17  
22 you talking about more than those three? 11:17

23 A Those were all ones that I had coded as 11:17  
24 large capacity magazines and he is claiming are 11:17  
25 not large capacity magazines. He's not correct. 11:17

1 One of them, the details do show that it is a 11:17  
2 large capacity magazine. 11:17

3 Q Which one is that? 11:17

4 A So that would be, if you look at this 11:17  
5 updated one, once I look at additional news 11:17  
6 stories, I do see that -- so 10 with additional 11:18  
7 news stories is a large capacity magazine; 30, 11:18  
8 reviewing additional news stories is unknown 11:18  
9 whether it's a large capacity magazine; and 35, 11:18  
10 using additional news stories is not a large 11:18  
11 capacity magazine. 11:18

12 Q Okay. So in response to Dr. Kleck's 11:18  
13 criticisms about your original Appendix B claiming 11:18  
14 that incidents numbers 10, 30, and 35 involved 11:18  
15 LCMs, you have now done additional research and 11:18  
16 have confirmed that one of those incidents did 11:19  
17 indeed involve the use of an LCM, one of them did 11:19  
18 not involve the use of an LCM, and another one you 11:19  
19 just can't make a determination, is that... 11:19

20 A No. I would say in reviewing that he had 11:19  
21 claimed he had checked on all of my incidents. I 11:19  
22 then checked on all of my incidents using 11:19  
23 additional news sources, which is what he claimed 11:19  
24 he had done, and I have found that using 11:19  
25 additional news sources, the actual number of LCMs 11:19

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1 is the same as what I had previously had. Some 11:19  
2 incidents have gone one way and some incidents 11:19  
3 have gone the other way. That using additional 11:19  
4 new information does change some of the codings of 11:19  
5 individual mass shootings, but the overall number 11:19  
6 is the same. I have some that have now with 11:19  
7 additional information are LCMs and some with 11:20  
8 additional information that are not LCMs. 11:20  
9 Q Got it. 11:20  
10 A What Dr. Kleck has done, despite saying 11:20  
11 that he looked at all, is he's only looked at the 11:20  
12 ones that go in one direction. He's only tried to 11:20  
13 get rid of the LCMs. So I have now used 11:20  
14 additional information -- and not only for the 11:20  
15 years that he claims that he has looked at 11:20  
16 additional information -- while I was doing it, I 11:20  
17 went through all of them. So what I had 11:20  
18 previously done is not searched through all news 11:20  
19 stories to code up the LCMs. I had only looked at 11:20  
20 the information in Mother Jones and Citizens Crime 11:20  
21 Commission. Now I have done a more thorough or 11:20  
22 used additional information and have found that . 11:20  
23 yes, there are some changes one direction or 11:20  
24 another, but they are not all in one direction. 11:20  
25 You end up actually in the same place in terms of 11:20

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1 the number of LCMs. 11:20

2 Q Got it. So I want to get back to asking 11:21

3 you about determining whether a firearm meets the 11:21

4 definition of an assault weapon. Is my 11:21

5 understanding correct that you had researchers 11:21

6 determining whether the firearm met the definition 11:21

7 of assault weapon? 11:21

8 A So we went through the California law, 11:21

9 the California statute, went through a process of 11:21

10 how -- which again is a standard NERA process for 11:21

11 how we code data -- we have a methodology, what 11:21

12 are we actually coding for, what are we looking 11:21

13 for. Then we have two independent objective 11:22

14 people do it separately and then crosscheck, all 11:22

15 under my supervision and directions, so that is 11:22

16 our standard process for coding data. 11:22

17 Q And do you know whether either of those 11:22

18 two researchers had any technical firearm 11:22

19 knowledge? 11:22

20 A In terms of shooting, you know, like 11:22

21 ability to shoot or an ability to understand what 11:22

22 the statute is saying? 11:22

23 Q Identify firearms. 11:22

24 A They have worked on prior gun-related 11:22

25 issues. 11:23

1 Q So they would know what the definition 11:23  
2 of center fire is? 11:23  
3 A Yes, I believe so. 11:23  
4 Q Do you know what the definition of 11:23  
5 center fire is? 11:23  
6 A Well, as distinguished from rim fire, 11:23  
7 and I believe center fire is -- I mean, it is 11:23  
8 something that they have both looked at and I have 11:23  
9 looked at and we have -- the center fire, the 11:23  
10 bullet is shot through the center and rim fire 11:23  
11 it's more crushed from the rim would be I think a 11:23  
12 more layman way of explaining it. 11:23  
13 Q Would you be able to tell whether a 11:23  
14 firearm was center fire or rim fire based on 11:24  
15 looking at it? 11:24  
16 A I don't know if I would be able to do 11:24  
17 that. I think that how we have coded this has, 11:24  
18 and which particular weapons we have coded, is 11:24  
19 something that we have turned over the detail. We 11:24  
20 have turned over the analysis and you have an 11:24  
21 expert that is responding to me, so that is my 11:24  
22 understanding of how this sort of litigation . 11:24  
23 works. Everything that we have done and how we 11:24  
24 have done it is certainly up for review and 11:24  
25 criticism. And we have had two people doing that, 11:24

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1 so some of the ways to determine that are there 11:24  
2 are certain particular models of guns are center 11:25  
3 fire and some are rim fire. You can look at the 11:25  
4 bullets and make a distinction from that. The 11:25  
5 caliber of the bullet can help in making that 11:25  
6 distinction. So I am aware of a number of ways of 11:25  
7 making that distinction. That is one of the 11:25  
8 things that was an issue here because that is one 11:25  
9 of the things that the statute relates to. So 11:25  
10 that is very much one of the things that was 11:25  
11 important in coding is how does it specifically 11:25  
12 meet the definition of assault weapon according to 11:25  
13 the California statute. 11:25

14 Q In reviewing the materials that you 11:26  
15 reviewed to determine or that either you or your 11:26  
16 researchers reviewed to determine whether a 11:26  
17 firearm was an assault weapon -- whether a firearm 11:26  
18 used in a mass shooting was an assault weapon, 11:26  
19 were you relying on the description provided by 11:27  
20 the materials that you all reviewed? 11:27

21 A Yes. We are relying on the information 11:27  
22 about the mass shooting. We found out about the . 11:27  
23 mass shootings and what weapons were used in the 11:27  
24 mass shooting in part through news stories and 11:27  
25 pictures, and we have turned over all the 11:27

1 information that we relied on as well as detailing 11:28  
2 it in my tables. Yes, the information that we 11:28  
3 have turned over and that we relied on is -- we 11:28  
4 didn't just define information about mass 11:28  
5 shootings. We had to research the mass shootings 11:28  
6 and find out what weapons have been found to have 11:28  
7 been used in the mass shootings. The information 11:28  
8 about that came from the information that we 11:28  
9 relied upon. 11:28

10 Q And that information was primarily news 11:28  
11 accounts; is that fair to say? 11:28

12 A Well, I think the news accounts 11:28  
13 themselves are relying on police reports. I mean, 11:28  
14 it's -- I mean, the information is the 11:28  
15 information. We turned it all over. I don't want 11:28  
16 to categorize it. I think ultimately the 11:28  
17 information oftentimes comes from police reports, 11:28  
18 but... Every specific piece of information that 11:29  
19 we've relied upon has been turned over to you. 11:29

20 Can we do a brief break? 11:29

21 MR. BRADY: Of course. You're free to 11:29  
22 ask for a break whenever. . 11:29

23 MR. ECHEVERRIA: Off the record. 11:29

24 VIDEOGRAPHER: The time on the video 11:29  
25 monitor is 11:28 a.m. We are off the 11:29

1 record. This ends Media 1. 11:29  
2 (A brief recess was taken.) 11:29  
3 VIDEOGRAPHER: We are back on the 11:34  
4 record. The time on the video monitor 11:34  
5 is 11:34 a.m. This is starts Media 2. 11:34  
6 EXAMINATION BY MR. BRADY: 11:34  
7 Q Okay. So going to page 4 of your 11:34  
8 report, which is Exhibit 44. The first line you 11:35  
9 say: "We analyze the use of assault weapons and 11:35  
10 large capacity magazines in public mass shootings 11:35  
11 using two sources, Mother Jones and the Citizens 11:35  
12 Crime Commission of New York City." Is that 11:35  
13 correct? 11:35  
14 A Yes. 11:35  
15 Q For Mother Jones, do you know what 11:35  
16 process they used in collecting this data? 11:35  
17 A Of identifying a mass shooting or is 11:35  
18 that -- so mostly what I'm doing is I'm using 11:35  
19 their identification of whether an incident is a 11:35  
20 mass shooting. So I'm starting with Mother Jones 11:35  
21 and Citizens Crime Commission as mass shootings. 11:35  
22 I also use -- I have their descriptions of what 11:36  
23 happened in the incident. 11:36  
24 Q So are you assuming that they accurately 11:36  
25 described something as a mass shooting if they 11:36

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1 included it in forming your opinions? 11:36

2 A I have actually reviewed news stories 11:36

3 about each of their incidents and do have the 11:36

4 counts of fatalities. So I would agree that what 11:36

5 they identify as mass shootings do meet their 11:36

6 definition of mass shootings. There's some small 11:36

7 ambiguities -- there's some ambiguities about 11:36

8 whether things are in the home or near the home 11:36

9 or -- but overall, yes, I do think their mass 11:36

10 shootings meet their definition of mass shootings. 11:36

11 And I have verified that to be the case. So I 11:36

12 have news stories on -- I believe I mentioned 11:37

13 that. 11:37

14 Q And that was through Google and Factiva? 11:37

15 A Yes. In general, the sources that I use 11:37

16 for searching news are Google and Factiva. I 11:37

17 found them to be the most comprehensive sources. 11:37

18 Q And when you say their definition, 11:37

19 you're referring to Mother Jones' definition, 11:37

20 right? 11:37

21 A Well, I think both of them have very 11:37

22 similar definitions. I think the one difference 11:37

23 is that Mother Jones changed its definition to be 11:37

24 consistent with a federal statute that I want to 11:37

25 say was in 2013 from being four or more killed to 11:37

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1 three or more killed. So I think with that 11:38  
2 distinction, they otherwise have very similar 11:38  
3 definitions of a mass shooting. 11:38

4 Q And to be clear, their definitions that 11:38  
5 they're using here are for public mass shootings, 11:38  
6 right, not just mass shootings? 11:38

7 A They call them mass shootings, and it is 11:38  
8 a term that the press and others use as a mass 11:38  
9 shooting. They do not include incidents in the 11:38  
10 home. So I think you could call them public mass 11:38  
11 shootings. 11:38

12 Q So there are incidents in which three or 11:38  
13 more people were murdered at a single time, but it 11:38  
14 would not be considered a mass shooting under 11:39  
15 Mother Jones standards; is that correct? 11:39

16 A That's correct. 11:39

17 Q Do you know whether the majority of 11:39  
18 incidents in which three or more people are 11:39  
19 murdered are in public places or private places? 11:39

20 A I don't know. I am analyzing the type 11:39  
21 of mass shooting that I have previously analyzed 11:39  
22 and that has been particularly at issue and that 11:39  
23 the states and the laws are concerned with and is 11:39  
24 the type of mass shooting that Mother Jones and 11:40  
25 Citizens Crime Commission focus on. They not only 11:40

1 don't focus on those that are in the home, they 11:40  
2 also don't focus on incidents that are related to 11:40  
3 another crime, such as gang-related crimes. 11:40

4 Q Do you know why that is? 11:40

5 A I've read a number of things that might 11:40  
6 speak to that. I think that what the public and 11:40  
7 the media, I think people consider gang-related 11:41  
8 and shootings related to some other sort of crime 11:41  
9 different than a mass shooting. I don't think 11:41  
10 that is what people normally refer to as a mass 11:41  
11 shooting. One of the documents that Dr. Kleck 11:41  
12 relied upon is a CRS, a Congressional Research 11:41  
13 study, that mentions that a classic mass shooting 11:41  
14 is -- you know, what that is and that it doesn't 11:41  
15 involve other types of crimes, so I think that's 11:41  
16 why. 11:42

17 Q Is it your understanding that most 11:42  
18 academics analyzing mass shootings use the same 11:42  
19 standards for defining -- I'm sorry, use the same 11:42  
20 definition as Mother Jones for a mass shooting? 11:42

21 MR. ECHEVERRIA: Objection. Vague. 11:42

22 A Well, the Mother Jones definition, as I . 11:42  
23 said, is similar to the Citizens Crime Commission. 11:42  
24 It's similar to what the Congressional Research 11:42  
25 Service that Dr. Kleck relied upon uses. I'm 11:42



1       aware that Dr. Kleck has a definition of a mass       11:42  
2       shooting, which doesn't involve fatalities at all,       11:42  
3       it only depends on injuries. And I'm not aware of       11:42  
4       anyone else that uses his definition.       11:42

5               Q       It's your understanding that Dr. Kleck       11:42  
6       uses a definition of mass shooting in which       11:43  
7       there's only injuries, no fatalities?       11:43

8               A       It does not depend on fatalities. It       11:43  
9       only depends on injuries.       11:43

10              Q       So is it your understanding that       11:43  
11       Dr. Kleck's definition of mass shooting is four or       11:43  
12       more injured, shot, not necessarily fatally?       11:43

13              A       I think it's more than six injuries.       11:43  
14       People shot, I believe. I don't believe I've seen       11:43  
15       anyone else use his definition. So he appears to       11:43  
16       have a definition that nobody else has ever used.       11:43

17              Q       So you referred to the Congressional       11:44  
18       Research Service paper. Is this the one you're       11:44  
19       referring to?       11:44

20              A       Yes, it's something that Dr. Kleck       11:44  
21       relied on in his rebuttal report.       11:44

22                      MR. ECHEVERRIA: Should we mark this?       11:44

23                      MR. BRADY: Yeah, I'm going to.       11:44

24                      MR. ECHEVERRIA: Okay. I previously       11:44  
25       marked an excerpt. If this is the complete       11:44

1 document, I think we should mark it. 11:44

2 MR. BRADY: We'll mark the whole one. 11:44

3 We'll mark it as 81. 11:44

4 (Plaintiff's Exhibit 81 was marked for 11:44

5 identification.) 11:44

6 Q We'll actually get back to that in a 11:45

7 second. I want to ask you some questions about 11:45

8 the Mother Jones article first. Do you know 11:45

9 whether the Mother Jones article that you relied 11:45

10 on has been peer reviewed? 11:45

11 A Well, the Congressional Research Service 11:45

12 says that they had reviewed it. They mention that 11:46

13 in one of their footnotes I believe. 11:46

14 Q Do you recall where that is? 11:46

15 A I don't. 11:46

16 Q Do you recall whether that report relies 11:46

17 on the Mother Jones piece or just cites to it? 11:46

18 A I think they say they try to be 11:46

19 consistent with Mother Jones. 11:46

20 Q Other than this report, are you aware of 11:47

21 any other academic papers about mass shootings 11:47

22 that cite to the Mother Jones piece? 11:47

23 MR. ECHEVERRIA: Objection. Vague. 11:47

24 A I think there are others that cite to 11:47

25 it. I'm pretty sure I've seen that. There's 11:47

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1 quite a few references -- 11:47

2 Q Any that rely -- sorry. 11:47

3 A -- to Mother Jones. I do recall in 11:47

4 the -- I had relied and analyzed on Mother Jones 11:47

5 in a Maryland case, and I believe the Court in the 11:48

6 Maryland case had mentioned that another academic 11:48

7 and his graduate student had reviewed the data in 11:48

8 some sort of -- or reviewed my analysis and the 11:48

9 data and found that to be helpful or a peer review 11:48

10 or something to that effect, as I recall the Court 11:48

11 in the Maryland case saying. So that would be 11:48

12 another -- I believe it was an academic. I think 11:48

13 it was an academic because the judge mentioned a 11:48

14 graduate student. I'm not sure how you can have a 11:48

15 graduate student without being an academic, but... 11:48

16 Q Is that normal peer review process? 11:48

17 A For a professor and a graduate student 11:48

18 to review, yes, that is how a peer review -- that 11:48

19 is. 11:49

20 Q Do you have any papers on any subject 11:49

21 that have been peer reviewed? 11:49

22 A I do. I have a couple that have been 11:49

23 peer reviewed. 11:49

24 Q They're cited in your report? 11:49

25 A They are in my CV, and my work, as I say 11:49

1 here, all of my expert reports and papers have had 11:49  
2 a NERA peer reviewer. 11:49

3 Q Are you aware of any criticisms of the 11:50  
4 Mother Jones material by any academics affiliated 11:50  
5 with the mass shooting subject? 11:50

6 A Yeah. 11:50

7 MR. ECHEVERRIA: Objection. Vague. 11:50

8 A Yeah. Well, Dr. Kleck thinks that, you 11:50  
9 know, as I said, he has a different definition of 11:50  
10 what a mass shooting is. He doesn't think a mass 11:50  
11 shooting should be based on the number of people 11:50  
12 killed. So I'm aware that he doesn't think that 11:50  
13 looking at the number of people killed is a 11:50  
14 reasonable definition of a mass shooting. Lott, 11:51  
15 who's an academic, I don't know actually if he 11:51  
16 criticizes Mother Jones. He criticizes a broader 11:51  
17 definition of mass shooting as including too many 11:51  
18 types of incidents. I believe he criticizes those 11:51  
19 who include incidents related to other types of 11:51  
20 crimes and incidents in the home. 11:51

21 Q Do you familiarize yourself with the 11:52  
22 academic experts who do work on mass shootings? . 11:52

23 MR. ECHEVERRIA: Objection. Vague. 11:52

24 A I'm not sure how to answer that 11:52  
25 question. Do I get to know them? Is that your 11:52

1 question? 11:52

2 Q No. Do you review other's papers on mass 11:52

3 shootings? 11:52

4 A I have reviewed. I have reviewed the 11:52

5 work of others. 11:52

6 Q Would you say that there's a cast of 11:52

7 characters who are treated as the experts in the 11:52

8 field of mass shootings? 11:52

9 A Are you asking me if they're characters? 11:52

10 I would say some of them might actually be 11:52

11 characters, but I don't want to... 11:52

12 Q Do certain names come to mind when 11:52

13 you're talking about the research on mass 11:52

14 shootings? 11:53

15 A I don't know how to answer that 11:53

16 question. I have looked for sources on mass 11:53

17 shootings and I started doing specific work on 11:53

18 mass shootings and whether large capacity 11:53

19 magazines were used in mass shootings a number of 11:53

20 years ago and have been updating this information 11:53

21 with new information. So I have looked at who has 11:53

22 maintained information on mass shootings, what 11:53

23 sources are available. That is something that I 11:53

24 have spent a fair amount of time looking at. As I 11:54

25 have updated the information, I have tried to 11:54

1 include information but continue to use the same, 11:54  
2 have some consistency with prior work that I have 11:54  
3 done, but yes, over a number of years, I have 11:54  
4 looked at what others are doing and a number of 11:54  
5 others have looked at my analysis. 11:54

6 Q Are you familiar with a researcher James 11:54  
7 Fox? 11:54

8 A Yes, I am familiar with the name. I 11:54  
9 have possibly spoken to him, but it would have 11:54  
10 been quite a while ago, and as I sit here, I 11:54  
11 just... 11:55

12 Q You're not familiar with his work? 11:55

13 A I don't recall looking at it recently. 11:55  
14 His name is familiar. I'm quite sure I have at 11:55  
15 some point looked at his work, but I'm just not 11:55  
16 recalling now. And I believe I may have spoken to 11:55  
17 him or contacted him. 11:55

18 Q Do you recall whether you recognize his 11:55  
19 name from mass shooting related work? 11:55

20 A I just don't recall. I do recall his 11:55  
21 name in relation to, you know, guns- or 11:55  
22 weapons-related matters. I don't have a specific 11:55  
23 recollection as I sit here. I didn't specifically 11:55  
24 look at his work with regard to my report here. 11:55

25 MR. BRADY: Mark this as Exhibit 82. 11:55

1 (Plaintiff's Exhibit 82 was marked for 11:56  
2 identification.) 11:56

3 Q So if you look at the fourth tiny 11:56  
4 paragraph down from the top. The sentence starts 11:56  
5 "to a large extent." It says: "To a large 11:57  
6 extent, the notion that mass shootings are 11:57  
7 trending is based on the often-cited reporting by 11:57  
8 Mother Jones." The next line down, Mr. Fox says: 11:57  
9 "After much debate over parameters, Mother Jones 11:57  
10 settled on several criteria for inclusion in its 11:57  
11 mass shooting database, specifically..." And then 11:57  
12 he lists one, two, three, four, five criteria. 11:57  
13 Can you take a look at those criteria, assuming 11:57  
14 you can read the small font, and state whether you 11:57  
15 agree with his representation that those are the 11:57  
16 criteria Mother Jones settled on or not? 11:57

17 A Yeah. I mean, you sort of stopped 11:57  
18 quoting that Mother Jones was an award-winning 11:58  
19 online news organization. So the first criteria 11:58  
20 looks like the killings were carried out by a lone 11:58  
21 shooter, and then they say except for I guess two. 11:58  
22 So I think that is something that they have said. . 11:58  
23 I think they include them whether or not there was 11:58  
24 a lone shooter, so I think that as the 11:58  
25 Congressional Research Service said, the classic 11:58

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1 mass shooting is a lone shooter and most of them 11:58  
2 are a lone shooter, but both Citizens Crime 11:58  
3 Commission, as well as Mother Jones, have included 11:58  
4 mass shootings where there have been two shooters. 11:58  
5 So it's not only Columbine and the Westside, but 11:58  
6 there's a third one, which I'm not remembering as 11:58  
7 I sit here. So I don't think that's particularly 11:59  
8 a criteria of theirs. I think most of them are 11:59  
9 lone shooters. I don't think they excluded it if 11:59  
10 there is a lone shooter. I think they are just 11:59  
11 mentioning the ones that as of that point didn't 11:59  
12 just have one shooter. The next criteria is the 11:59  
13 shootings happen during a single incident and in a 11:59  
14 public place. And I think that's -- I think that 11:59  
15 is their criteria. Crimes related to armed 11:59  
16 robbery or gang activity... I think that they say 11:59  
17 crimes related to armed activity or gang activity 12:00  
18 are not included. And I think that that's -- I 12:00  
19 think they don't include shootings that are 12:00  
20 related to another crime. The shooter took the 12:00  
21 lives of at least four people, and I think that is 12:00  
22 correct until there was a statute that changed a . 12:00  
23 definition to more than three and then Mother 12:00  
24 Jones changed their definition to at least three 12:00  
25 people killed, not including the shooter. I'm not 12:00

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1	sure what the rest of that is saying exactly.	12:01
2	Q Which one, the last criteria?	12:01
3	A I'm still on the third one. Have I	12:01
4	covered the third one as far as you feel I can?	12:01
5	Q Basically, just what I want to know is	12:01
6	whether you take issue with any of the ways	12:01
7	Mr. Fox describes Mother Jones criteria. I just	12:01
8	want to know if you agree with his statement of	12:01
9	their criteria, Mother Jones criteria.	12:01
10	A I'm still walking through that. I'm	12:01
11	still trying to answer that. So if the shooter	12:01
12	died or was hurt, he's included in the total	12:01
13	victim count. I'm not really sure what that says,	12:02
14	but I think they do include it in the victim	12:02
15	count, but they don't include it in the definition	12:02
16	of a mass shooter. And then they say they	12:02
17	included spree killing. So I think what is a	12:02
18	spree killing or how much something is sort of	12:02
19	related to the same incident or not the same	12:02
20	incident is a bit -- I wouldn't say that -- I'm	12:02
21	not saying whether Dr. Fox is correct or not in	12:02
22	whether this is something that Mother Jones has	12:02
23	said. I think some of these words sound like	12:02
24	things I have read that Mother Jones has said in	12:02
25	reviewing what they actually put as a mass	12:02

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1 shooting, I think it's very consistent with 12:03  
2 Citizens Crime Commission and it's consistent with 12:03  
3 what others consider a mass shooting. I think 12:03  
4 there is -- there can be some ambiguity in making 12:03  
5 those decisions, you know, how close in time is 12:03  
6 one incident, is it related to another crime, is 12:03  
7 it or not outside the home, and is it -- so I 12:03  
8 think that -- so I don't think that -- I have gone 12:03  
9 through it I guess. I have answered the question. 12:03  
10 Q You've gone through it, and do you 12:04  
11 dispute any of Dr. Fox's descriptions of Mother 12:04  
12 Jones criteria? 12:04  
13 A I think I just went through each of 12:04  
14 those, so... 12:04  
15 Q Would you say he's generally accurate in 12:04  
16 his description of those criteria? 12:04  
17 A I think I just went through each one of 12:04  
18 those and I think there are some -- I've answered 12:04  
19 that. I went through each of them one by one, so 12:04  
20 I don't want to characterize the answer one way or 12:04  
21 the other, but I've gone through that. 12:04  
22 Q Okay. So on the first one, the killings 12:04  
23 were carried out by a lone shooter, except in the 12:04  
24 case of Columbine massacre and the Westside, you 12:04  
25 disagree with that? 12:04

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1           A     I think as of that date, the killings           12:04  
2     were carried out by a lone shooter, except for           12:05  
3     two. And then later on there is a third one. I           12:05  
4     don't think that is actually a criteria that they           12:05  
5     use. That happens to be the case that they mostly           12:05  
6     are carried out by a lone shooter, and that is as           12:05  
7     the Congressional Research Service says, is what           12:05  
8     is meant and what one thinks of as a classic mass           12:05  
9     shooting.           12:05

10           Q     So it's your understanding that Mother           12:05  
11     Jones did not omit incidents of multiple shooters,           12:05  
12     there just weren't any?           12:05

13           A     That's correct. That's my           12:05  
14     understanding.           12:05

15           Q     The shootings happen during a single           12:05  
16     incident and in a public place. You agreed with           12:05  
17     that description, right?           12:05

18           A     Are we going to go back through them           12:05  
19     each one over and over again? I'll just refer to           12:05  
20     what I said the last time. I think that generally           12:06  
21     the shootings happen in a single incident and in a           12:06  
22     public place. I think exactly how you define what .           12:06  
23     a single incident and what a public place is can           12:06  
24     have some ambiguity.           12:06

25           Q     All right. And the shooter took the           12:06

1 lives of at least four people, that's correct, 12:06  
2 until 2013 when Mother Jones changed that 12:06  
3 criterion and this article is from January of that 12:06  
4 year, so it's probably before that happened, 12:06  
5 right? 12:06  
6 A Yeah. That may be. 12:06  
7 Q And the shooter, as we've established 12:06  
8 before, as you had in your report, was included in 12:06  
9 the victim count, but not in determining whether 12:06  
10 something met the definition of a mass shooting, 12:06  
11 right? 12:06  
12 A Sorry, can you repeat that. 12:06  
13 Q Sure. So if the shooter was considered 12:06  
14 in the victim count, but not in determining 12:07  
15 whether something was a mass shooting, right? 12:07  
16 A Yeah, just in showing the victim count, 12:07  
17 they include the shooter. 12:07  
18 Q And the spree killing issue, like you 12:07  
19 said, there's some ambiguity there, right? Some 12:07  
20 might fall within a mass shooting; some might not. 12:07  
21 A Yes, I think there could be some 12:07  
22 ambiguity. . 12:07  
23 Q Okay. So it is Dr. Fox's position as 12:07  
24 stated in this paper that not only is Mother 12:08  
25 Jones' decision to disqualify cases based on 12:08

1 certain criteria hard to defend, the criteria 12:08  
2 themselves were not necessarily applied 12:08  
3 consistently. Mother Jones included a 1993 Chucky 12:08  
4 Cheese robbery/massacre of four people committed 12:08  
5 by a former employee but excluded the Brown's 12:08  
6 Chicken robbery massacre of seven victims that 12:08  
7 occurred the very same year, presumably because 12:08  
8 two perpetrators were involved in the latter 12:08  
9 incident or perhaps these gunmen had no prior 12:08  
10 connection to the restaurant. Did you take into 12:08  
11 account whether shootings that involved more than 12:08  
12 four fatalities, four victim fatalities, were 12:09  
13 excluded from Mother Jones' piece on mass 12:09  
14 shootings in forming your opinions? 12:09  
15 A I did look for other sources for mass 12:09  
16 shootings. I have used Citizens Crime Commission, 12:09  
17 which has a very similar -- there is a large 12:09  
18 overlap, as I say, between the two sources in 12:09  
19 terms of their mass shootings. Plaintiff's expert 12:09  
20 in this case has criticized my analysis of mass 12:09  
21 shootings here as well as in other cases, but has 12:09  
22 not identified any mass shootings that meet Mother . 12:09  
23 Jones or Citizens Crime Commission criteria that 12:09  
24 are not included. So despite having my analysis 12:10  
25 be reviewed by a number of experts for Plaintiffs, 12:10

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1 they have failed to identify any mass shootings 12:10  
2 that meet either Mother Jones or Citizens Crime 12:10  
3 Commission criteria that have not been included. 12:10  
4 So I have reviewed, and I think Dr. Kleck has 12:10  
5 helpfully, I think, pointed out this Congressional 12:10  
6 Research Service analysis, which does not detail 12:10  
7 the mass shootings and just has counts, but I 12:10  
8 think that's an independent analysis. 12:10

9 Q So you agree with -- 12:11

10 A Which has some similar conclusions and 12:11  
11 some slightly different definitions. 12:11

12 Q So you agree with the findings of the -- 12:11  
13 well -- strike that. 12:11

14 Because it's a large paper, I won't hold 12:11  
15 you to agreeing with the entirety. 12:11

16 You believe that the Congressional 12:11  
17 Research Service paper, that's marked as Exhibit 12:11  
18 81, is reliable? 12:11

19 A I don't know if it's reliable. They 12:11  
20 don't have individual mass shootings there. So 12:11  
21 unlike me, they haven't identified the individual 12:11  
22 events and what is the information that they have 12:11  
23 relied on to come up with their analysis. I note 12:11  
24 that their conclusions are similar to mine. I 12:12  
25 can't, without the detail, I cannot verify -- they 12:12

1 don't have -- include the sort of detail that I 12:12  
2 do. 12:12  
3 Q Can you turn to page 29 of Exhibit 81. 12:12  
4 A Sure. Okay. 12:12  
5 Q So there are three little dots. It 12:12  
6 says: "As noted above, between 1999 and 2013..." 12:13  
7 And then there's three little dots with 12:13  
8 statements. The first one says: "In 'mass public 12:13  
9 shootings' offenders used firearms that could be 12:13  
10 characterized as assault weapons in 18 of 66 12:13  
11 incidents." Right? 12:13  
12 A 27.3 percent. 12:13  
13 Q 27.3 percent, yes. 12:13  
14 A Yes. 12:13  
15 Q So their universe of mass public 12:13  
16 shootings is 66 incidents; is that correct? 12:13  
17 A That's what they say. 12:13  
18 Q If you go to the next paragraph, 12:13  
19 starting "in summation." The report says: "Out 12:13  
20 of 317 mass shootings, offenders used firearms 12:13  
21 that could be characterized as assault weapons in 12:14  
22 31 incidents, 9.78 percent of the time." . 12:14  
23 A Yes. 12:14  
24 Q Is it your understanding that they are 12:14  
25 drawing a distinction between mass public 12:14

1	shootings and just all mass shootings?	12:14
2	A Yeah. So they have at the beginning	12:14
3	defined -- they say, you know, for the purposes of	12:14
4	this report -- what are they defining -- for the	12:14
5	purposes of this report, mass shooting is defined	12:14
6	as a multiple homicide incident in which four or	12:14
7	more victims are murdered with firearms within one	12:14
8	event in one or more locations in close proximity.	12:14
9	Similarly, a mass public shooting is defined to	12:14
0	mean a multiple homicide incident in which four or	12:15
1	more victims are murdered with firearms within one	12:15
2	event in at least one or more public locations;	12:15
3	such as a workplace, school, restaurant, house of	12:15
4	worship, neighborhood or other public setting. So	12:15
5	they have given a definition of a mass public	12:15
6	shooting, which is a subset of what they have, for	12:15
7	purposes of this report, defined as a mass	12:15
8	shooting.	12:15
9	Q Okay. Do you have any reason to dispute	12:15
0	the number 317 as far as all mass shootings? And	12:15
1	when we're saying mass shootings here, we are not	12:15
2	limiting it to Mother Jones' definition. This	12:15
3	would be, as they indicated, shootings where at	12:15
4	least four people were killed regardless of the	12:16
5	location.	12:16

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1           A       I don't know, because I don't have the       12:16  
2       backup for any of the their analysis.   So this is       12:16  
3       something that Dr. Kleck relied upon in his       12:16  
4       rebuttal to my report.   And as I said, it's       12:16  
5       consistent with the findings in my report, but I       12:16  
6       don't know the -- I don't have any of the backup,       12:16  
7       so I don't know what they've included.   I don't       12:16  
8       have a list of the mass shootings.   It would be       12:17  
9       helpful to have the list of the mass shootings.       12:17  
10           Q       How many mass shootings, public mass       12:17  
11       shootings, did you analyze?       12:17  
12           A       I think it's 109.       12:18  
13           Q       Are you familiar with the Gun Violence       12:20  
14       Archive?       12:20  
15           A       Yes.       12:20  
16           Q       Did you consider it in preparing your       12:20  
17       report?       12:20  
18           A       So it's a -- Shooting Tracker is what       12:20  
19       the data is called.   I don't believe it was -- it       12:20  
20       had been when I first did this analysis, I don't       12:20  
21       believe it was even available.   I think it started       12:20  
22       later than that.   That has a -- that's a crowd       12:20  
23       sourced site, and I believe it has a much broader       12:20  
24       definition, so it includes gang violence, I       12:21  
25       believe, and things related to other crimes.   It       12:21

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1 also includes things in the home, I believe. So 12:21  
2 Dr. Kleck has looked at it and referenced it 12:21  
3 before in rebutting my report. 12:21

4 Q And did you look at it -- after you saw 12:21  
5 Dr. Kleck's reference to it in his rebuttal report 12:21  
6 to your report, did you look at the Gun Violence 12:21  
7 Archive? 12:21

8 A Yes. And I found that the differences 12:21  
9 that were explained by differences in -- I don't 12:21  
10 believe it's available for all the years. As I 12:22  
11 said, it wasn't in existence when I started doing 12:22  
12 this, and it doesn't cover all the years, but it 12:22  
13 generally includes things that are not considered 12:22  
14 mass shootings, and Dr. Kleck reviewing this was 12:22  
15 not able to identify, as I said, any mass 12:22  
16 shootings that met the definition of a mass 12:22  
17 shooting according to Mother Jones or Citizens 12:22  
18 Crime Commission that were in Shooting Tracker 12:22  
19 that were not in my list of mass shootings. 12:22

20 Q So then is it fair to say that the 12:23  
21 dispute between Dr. Kleck and yourself on the 12:23  
22 numbers of mass shootings is definitional? . 12:23

23 A Well, I would say that Dr. Kleck has 12:23  
24 just a number of -- just makes a lot of mistakes 12:23  
25 with the numbers. So there's a lot of disputes 12:23

1 about the numbers. He just made a lot of mistakes 12:23  
2 about the numbers. He, himself, has a completely 12:23  
3 different definition of what a mass shooting is, 12:23  
4 which we've already discussed, which has nothing 12:23  
5 to do with the number of fatalities. So he has a 12:23  
6 definition, which is not consistent with any other 12:23  
7 researcher, to my knowledge, which is a different 12:23  
8 definition. 12:23

9 Q His report is Exhibit 44, right? Do you 12:23  
10 have his exhibit in front of you? 12:23

11 MR. ECHEVERRIA: No. Professor Kleck's 12:23  
12 -- the excerpt of Professor Kleck's rebuttal 12:24  
13 report is Exhibit 30. Exhibit 44 is Ms. 12:24  
14 Allen's report. 12:24

15 MR. BRADY: Got it. 12:24

16 Q Okay. So on page 22, where Dr. Kleck's 12:24  
17 referring to your Paragraph 14, halfway down, he 12:24  
18 says: "Based on data compiled in the Gun Violence 12:24  
19 Archive, the U.S. experienced a total of 120 12:24  
20 incidents in which four or more victims were shot 12:24  
21 dead from 2013 through 2017." Do you have -- 12:24

22 A Yeah, he's not -- he's made mistakes 12:24  
23 there. 12:25

24 Q Can you explain those mistakes please. 12:25

25 A He has mistakenly counted incidents. 12:25

1 He's trying to count incidents where four or more 12:25  
2 people, not including the shooter, are killed and 12:25  
3 he's mistakenly including incidents where the 12:25  
4 shooter is killed. So he's just mixing up the 12:25  
5 data. 12:25

6 Q So some of these 120 that Dr. Kleck 12:25  
7 claims were involved four or more victims shot 12:25  
8 dead, you're saying that -- 12:25

9 A There were not four victims. 12:25

10 Q -- there weren't four victims? 12:25

11 A Yeah. 12:25

12 Q Did you have an idea of how many? 12:25

13 A I don't know. I just recall -- so many 12:25  
14 of his numbers are just whatever. He just makes a 12:25  
15 lot of mistakes. 12:25

16 Q Besides that alleged mistake, are there 12:26  
17 any others? 12:26

18 A Oh, yes. There are many mistakes. So 12:26  
19 he did this exact same analysis in another report 12:26  
20 and had completely different numbers and a 12:26  
21 completely different -- so I think the time before 12:26  
22 he said it was, I don't know, it was 100 times 12:26  
23 lower, the percentage, using the same analysis I 12:26  
24 think over the same years even. 12:26

25 Q Okay. So can you explain that as far as 12:26

1        what specific mistake you're claiming he made        12:26  
2        in...        12:26  
3            A        So I have read this same analysis a few        12:26  
4        times and I can't remember which mistakes he's        12:27  
5        made this time and which mistakes he's made other        12:27  
6        times. I recall that they are off by 100 times        12:27  
7        different is my recollection. I may be wrong.        12:27  
8            Q        When you say off by, can you explain?        12:27  
9            A        One number is 100 times bigger than the        12:27  
10       last number.        12:27  
11          Q        Number of what?        12:27  
12          A        His result. I don't know if it's the 8        12:27  
13       percent. That's just my recollection. He makes a        12:27  
14       lot of mistakes.        12:27  
15          Q        Okay.        12:27  
16          A        So I believe he did this exact same        12:27  
17       analysis another time. He comes up with the wrong        12:27  
18       number of incidents, because he counts the wrong        12:27  
19       things. He divides wrong, so the last time he had        12:27  
20       two numbers and then he takes the division and he        12:27  
21       has a completely wrong percent, and I believe the        12:27  
22       last time it was -- I don't know. I just don't        12:27  
23       know. I'm pretty sure it was off. Maybe it was        12:27  
24       100 times lower is my recollection.        12:28  
25          Q        So this figure of 120 incidents in which        12:28

1 four or more victims were shot dead that Dr. Kleck 12:28  
2 claims he derived from the Gun Violence Archive, 12:28  
3 you're saying that at least some of those, that 12:28  
4 number is wrong because at least some of those 12:28  
5 include the shooter to reach the four or more shot 12:29  
6 dead; is that right? 12:29

7 A Yeah. There are not four or more 12:29  
8 victims shot dead. That's not what he says. 12:29

9 Q Are there any other specific problems 12:29  
10 with the 120 figure? 12:29

11 A I just don't recall. As I said, he's 12:29  
12 done this analysis a couple of times. He has 12:29  
13 completely different numbers. And every time he's 12:29  
14 done it, there have been mistakes. And I don't 12:29  
15 recall which mistakes go to this time and which 12:29  
16 mistakes go to the other times. If you gave me 12:29  
17 his other reports and we sort of matched them up. 12:29  
18 There have been a number of mistakes. I can't 12:29  
19 remember how many relate to this and how many 12:29  
20 relate to the other time. 12:29

21 Q Understood. But I asked you if you 12:29  
22 reviewed the Gun Violence Archive in response to . 12:29  
23 Dr. Kleck's criticism recently and you said you 12:30  
24 had; is that correct? 12:30

25 A That's right. I also noted that this 12:30

1 was the same analysis he had previously done and 12:30  
2 had different numbers the last time, so at this 12:30  
3 point I can't recall which mistakes are in this -- 12:30

4 Q I get that you're saying he's 12:30  
5 inconsistent and that you have criticisms about 12:30  
6 his work. What I'm asking is specifically in your 12:30  
7 review of the Gun Violence Archive of the 120 12:30  
8 incidents that Dr. Kleck has indicated, you've 12:30  
9 leveled one specific criticism that you believe he 12:30  
10 included the shooter among the victims to reach 12:30  
11 the 120, so there's some problems with the 120 12:30  
12 figure with regard to that. Are there any other 12:30  
13 specific problems with the 120 figure that you 12:30  
14 noticed in reviewing the Gun Violence Archive? 12:30

15 A I don't know. I can't recall. And one 12:30  
16 of the reasons is is that he doesn't say what are 12:31  
17 the 120 incidents that he does. So he makes a 12:31  
18 number of mistakes. It's hard to decide what he 12:31  
19 did to make the various mistakes that he's made. 12:31  
20 So in trying to replicate his number, we have to 12:31  
21 guess at what particular mistakes have been made. 12:31  
22 And as I said, this particular analysis is the . 12:31  
23 very same analysis that he previously did. He 12:31  
24 just has different numbers this time, and I cannot 12:31  
25 recall which were the mistakes that were this time 12:31

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1 and which were the mistakes that were the other 12:31  
2 time, so I just, I don't know. 12:31  
3 THE WITNESS: Can we maybe break for 12:32  
4 lunch at some point? 12:32  
5 MR. BRADY: If you want to. We'll go 12:32  
6 off the record. 12:32  
7 VIDEOGRAPHER: The time on the video 12:32  
8 monitor is 12:32 p.m. We are off the 12:32  
9 record. 12:32  
10 (A brief recess was taken.) 12:32  
11 VIDEOGRAPHER: We are back on the 01:13  
12 record. The time on the video monitor 01:13  
13 is 1:12 p.m. This starts Media 3. 01:13  
14 EXAMINATION BY MR. BRADY: 01:13  
15 Q Okay. We are back on the record. 01:13  
16 Hopefully everybody had a nice lunch. We were 01:13  
17 finishing up talking about Mother Jones, which is 01:13  
18 one of the sources you relied on in preparing your 01:13  
19 report, as noted on page 4 in Paragraph 9 -- well, 01:13  
20 8 and 9. In Paragraph 8 of your report you state 01:13  
21 that you relied on Mother Jones and the Citizens 01:14  
22 Crime Commission of New York City; is that . 01:14  
23 correct? 01:14  
24 A Yes. 01:14  
25 MR. BRADY: Exhibit 83. 01:14

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1 (Plaintiff's Exhibit 83 was marked for 01:14  
2 identification.) 01:14  
3 Q Is this the document, a copy of the 01:15  
4 document that you relied on called Citizens Crime 01:15  
5 Commission New York City? 01:15  
6 A So they update it and there are a couple 01:15  
7 different documents that I reference in the amount 01:15  
8 of materials considered, so one has a June 2016 01:15  
9 date on it. 01:15  
10 Q So this is an updated version of the one 01:15  
11 you relied on? 01:16  
12 A I don't know. I don't see a date on 01:16  
13 this. Maybe this says June 2016. 01:16  
14 Q It says June 2016, yes, on the bottom 01:16  
15 left-hand corner. 01:16  
16 A Yeah, so this may be the very one then. 01:16  
17 Q Do you believe this to be the one you 01:16  
18 relied on? 01:16  
19 A I don't know. I have the website there. 01:16  
20 I'm just not sure. 01:16  
21 Q Okay. Does it look familiar? 01:16  
22 A Well, yes, it looks familiar, but I have 01:16  
23 looked at a number of documents and it's a look I 01:17  
24 believe I have seen before, but I don't know if 01:17  
25 it's this exact document. 01:17

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1 Q Can you confirm that this is the 01:17  
2 Citizens Crime Commission of New York City, the 01:17  
3 same one as you represent in your report? 01:17  
4 A I think this is the same organization 01:17  
5 that has put out this document, yes. I don't know 01:17  
6 that this particular document is one that I relied 01:17  
7 on. 01:17  
8 Q Okay. Footnote 8 on page 4 of your 01:17  
9 report seems to be telling us what the Citizens 01:17  
10 Crime Commission of New York City materials are 01:18  
11 that you relied on; is that correct? 01:18  
12 A Yes. 01:18  
13 Q And Footnote 8 says: "Mayhem 01:18  
14 Multiplied, Mass Shooting and Assault Weapons." 01:18  
15 Is that correct? 01:18  
16 A Correct. 01:18  
17 Q Is that the same title as the document I 01:18  
18 just handed you? 01:18  
19 A Yes. I believe so. 01:18  
20 Q And it doesn't appear that there is any 01:18  
21 reference to the author, Ashley Cannon, in your 01:18  
22 footnote, so we can't confirm there, but based on 01:18  
23 your Footnote 8 and the title of this, do you feel 01:18  
24 confident that this is likely the document you 01:18  
25 relied on? 01:18

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1           A       No, because I think the document we           01:18  
2       relied on had an actual -- this is, again, like a           01:18  
3       very tiny, two pages as one here, but I think the           01:18  
4       document included an actual list of mass           01:19  
5       shootings, which it doesn't look like this does.           01:19  
6       Maybe it does.           01:19

7                   MR. BRADY: I would like to mark this as           01:19  
8       Exhibit 84. Perhaps this will refresh your           01:19  
9       memory on what we're talking about here.           01:19

10                   (Plaintiff's Exhibit 84 was marked for           01:19  
11                   identification.)           01:19

12                   MR. ECHEVERRIA: Can I have a copy of           01:20  
13       Exhibit 84.           01:20

14                   MR. BRADY: Here you go.           01:20

15           Q       Does this document look familiar?           01:20

16           A       Yeah. So now this is a second document           01:20  
17       that I believe is mentioned. It says additional           01:20  
18       details on mass shootings were obtained from an           01:20  
19       earlier source by Citizens Crime Commission, which           01:20  
20       I believe is this. I think I do have some           01:20  
21       glasses, see if I can't read these things better.           01:20  
22       You keep showing me tiny things. Okay.           01:21

23           Q       So do you recognize either Exhibit 83 or           01:21  
24       Exhibit 84?           01:21

25           A       So 84, as I said, I believe is the           01:21

1 second one that's referenced under Footnote 8. 01:21

2 Q Mass Shooting Incidents in America? 01:21

3 A And I believe I have seen Exhibit 83. I 01:21

4 just don't know if this actually has a list of the 01:21

5 mass shootings or if there is additional 01:21

6 information. 01:21

7 Q So this Exhibit 83 titled Mayhem 01:22

8 Multiplied has the same title as what you 01:22

9 referenced in Footnote 8, and the page before the 01:22

10 last -- which I don't know why the last one is 01:22

11 just their logo -- the page before the last 01:22

12 appears to be a final page, right, it's providing 01:22

13 acknowledgments. So you can't say whether this is 01:22

14 the document you relied on or not. 01:22

15 A Well, one of the things I do know is if 01:22

16 you look at my table of mass shootings, right, I 01:22

17 have the Orlando nightclub, for example, which is 01:23

18 2016, which is after the date of -- yeah, so, oh, 01:23

19 okay, here we go. I do see the Orlando. It's 01:23

20 just very small. 01:23

21 Q Are you referring to page 3? And I know 01:23

22 that the 3 is really, really small. It's actually 01:24

23 page 3 of the printout, but if you look at the 01:24

24 bottom, there 's also a small page number. 01:24

25 There's actually -- so the third page is actually 01:24

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1 two separate pages from the website it looks like. 01:24  
2 You see that, 3 and 4? 01:24  
3 A Yeah. You've made everything half the 01:24  
4 size. Yeah. 01:24  
5 Q Yeah, sorry about that. I thought color 01:24  
6 would help. 01:24  
7 A The color is helpful. I like the color. 01:24  
8 So I'm not sure. This does appear to have the 01:24  
9 same name, and if it has the same incidents in 01:24  
10 here, this looks like a document that I have seen 01:24  
11 before. It does appear to have the same name, but 01:24  
12 the mass shooting incidents that are listed and 01:25  
13 marked as Citizens Crime Commission in my table 01:25  
14 came from Citizens Crime Commission data. And to 01:25  
15 the extent they're not on here, then it would have 01:25  
16 been an additional source or a different 01:25  
17 attachment as part of this. I gave the link in my 01:25  
18 report, and I believe I turned over all the 01:25  
19 material, so I just don't know. 01:25  
20 Q So I don't see a link for Mayhem 01:25  
21 Multiplied. I do see a link for the additional 01:25  
22 information. 01:25  
23 A So look on my materials considered, page 01:25  
24 2, Item D, there 's a link. 01:25  
25 Q Okay. All right. Well, if you look at 01:25

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1 the second page of this document. 01:26

2 A Okay. 01:26

3 Q And so not the cover page, and there are 01:26

4 two pages from the document or from the website on 01:26

5 each page of the document. Does that make sense? 01:26

6 A Yeah. 01:27

7 Q So page 1, in the second paragraph, the 01:27

8 non-bolded paragraph, it indicates that this 01:27

9 report defines mass shootings as those in which 01:27

10 four or more victims were killed in a public place 01:27

11 unrelated to another crime. Is that your 01:27

12 understanding of what the Citizens Crime 01:27

13 Commissions definition of mass shootings was? 01:27

14 A They do define it as four or more 01:27

15 victims killed, I believe, yes. It is in a public 01:27

16 place unrelated to another crime. 01:27

17 Q So it's essentially Mother Jones' 01:27

18 definition pre-2013; is that fair to say? 01:27

19 A Yes. I would say they're essentially 01:27

20 the same, except that Mother Jones changed it to 01:27

21 three or more after 2013, that's correct. 01:28

22 Q And did you notice any discrepancy 01:28

23 between the two after 2013 as a result of the 01:28

24 different definition? 01:28

25 A So, sure. Mother Jones included mass 01:28

1 shootings in which fewer than four people were 01:28  
2 killed, and you can see that -- you can probably 01:28  
3 see that more easily in where I'm not including 01:28  
4 the shooter in this updated Appendix B. 01:28  
5 Q Okay. And that's Exhibit 80. 01:28  
6 A Yeah. So for example, you look on page 01:28  
7 2, you can see No. 33, Trestle Trail Bridge, had 01:29  
8 three fatalities, and it's in Mother Jones, but 01:29  
9 not in Citizens Crime. You can see Fort Hood, No. 01:29  
10 36, has three fatalities, and it's in Mother Jones 01:29  
11 but not in Citizens Crime. So those are some 01:29  
12 examples. 01:29  
13 Q Okay. So would it be fair to say that 01:29  
14 the universe of mass shootings would be larger 01:29  
15 under Mother Jones definition? 01:29  
16 MR. ECHEVERRIA: Objection. Vague. 01:29  
17 A After 2013, Mother Jones included mass 01:29  
18 shootings in which fewer than four people were 01:29  
19 killed. And Citizens Crime does not do that. So 01:30  
20 to that extent, yes, after 2013, Mother Jones 01:30  
21 includes some mass shootings that Citizens Crime 01:30  
22 does not. Although there is -- the definitions, . 01:30  
23 as I have said, are very similar, there are some 01:30  
24 mass shootings that are in one that are not in the 01:30  
25 other and there are some differences. 01:30

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1 Q Would there be an instance where a mass 01:30  
2 shooting was in -- do you mind if I call it the 01:30  
3 CRC for short, just so I don't have to keep 01:30  
4 looking at its name. 01:30  
5 MR. ECHEVERRIA: Would it be CCC? 01:30  
6 MR. BRADY: Sorry, CCC, yes. 01:30  
7 A Yeah, that seems easier. 01:30  
8 Q So if I say CCC, will you understand 01:30  
9 what I mean? 01:31  
10 A Yes. 01:31  
11 Q So can you think of an instance where 01:31  
12 there would be a mass shooting in the CCC that is 01:31  
13 not in Mother Jones? 01:31  
14 A There are some that are in one that are 01:31  
15 not in the other, and there are some that are in 01:31  
16 the other that are not in one. So there are some 01:31  
17 differences. I think they have independently done 01:31  
18 it and there are some differences. They may be 01:31  
19 instances that are ambiguous and they may have 01:31  
20 come to a different determination, and one may 01:31  
21 have missed one that the other one caught and vice 01:31  
22 versa. So they're not perfect, but they are very . 01:31  
23 similar in terms of what they have found to be 01:31  
24 mass shootings. They're not identical. So I 01:31  
25 think I say in the Mother Jones data contains 93 01:31

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1 percent of the mass shootings and Citizens Crime 01:32  
2 Commission for the years covered by both. 01:32  
3 Q And do you make a determination on what 01:32  
4 percentage of the CCC has of Mother Jones 01:32  
5 incidents? 01:32  
6 A I don't particularly say that here, no, 01:32  
7 but you can do that right off of my table. 01:32  
8 Q Okay. So to your point about the 01:32  
9 information not being perfect, on the last page 01:32  
10 under methodology, it indicates that 01:32  
11 contradictions may exist between this analysis and 01:32  
12 other sources. Do you agree with that statement? 01:32  
13 A They say every effort has been made to 01:33  
14 obtain the most accurate information; however, 01:33  
15 contradictions may exist between this analysis and 01:33  
16 other sources. And, yes, I would not disagree 01:33  
17 with that. I would agree with that. I mean, I 01:33  
18 guess I don't know whether they made every effort. 01:33  
19 I have no reason to disagree with that. 01:33  
20 Q Sure. You have no reason to disagree 01:33  
21 that they were working to get the best 01:33  
22 information, right? . 01:33  
23 A That's correct. 01:33  
24 Q And you have no reason to dispute that 01:33  
25 they say contradictions may exist with other 01:33

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1 sources, right? 01:33

2 A I can see that contradictions exist with 01:33

3 other sources. I mean, that's one of the things 01:33

4 my table shows. 01:33

5 Q Got it. And in the very last sentence 01:34

6 it says: "This analysis does not cover an 01:34

7 exhaustive list of mass shootings." Did you take 01:34

8 that into account in preparing your report? 01:34

9 A So it says: "As the ATF does not 01:34

10 require police departments to collect data related 01:34

11 to the capacity of a firearm's ammunition magazine 01:34

12 and the media does not always report the details 01:34

13 of the weapons used, this analysis does not cover 01:34

14 an exhaustive list of mass shootings." I have 01:34

15 looked for, as I say in my report, for additional 01:34

16 sources of mass shootings. And as I say, Dr. 01:34

17 Kleck has criticized my use of Mother Jones and 01:34

18 Citizens Crime Commission, but has not noted any 01:34

19 mass shooting that meets their definition that has 01:35

20 not been included. So I have looked. I have 01:35

21 reviewed Dr. Kleck's report in this matter as well 01:35

22 as in other matters. I have reviewed his 01:35

23 suggestion that Shooting Tracker indicates some 01:35

24 omission, but I have noted, as I said, that 01:35

25 Shooting Tracker has a different definition. It 01:35

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1 is including incidents that are not classically 01:35  
2 considered mass shootings and do not fall in the 01:35  
3 criteria of Mother Jones, Citizens Crime 01:35  
4 Commission or the Congressional Research Service 01:35  
5 report that Dr. Kleck relied upon. 01:35

6 Q And what other sources -- in your report 01:36  
7 you say you relied on Mother Jones and the CCC, 01:36  
8 and that you then did Google and Factiva searches 01:36  
9 to confirm the results in those two sources, but I 01:36  
10 don't see where you cite any other source for 01:36  
11 determining mass shooting incidents. Am I wrong? 01:36

12 A The mass shooting incidents that I have 01:36  
13 analyzed and that are in my report are those 01:36  
14 within Citizens Crime Commission and Mother Jones. 01:36  
15 As I say in my report, I have found those to be 01:36  
16 the most comprehensive list of mass shootings of 01:36  
17 the type that the State of California is focused 01:36  
18 on and that other -- that were the focus of other 01:36  
19 cases -- 01:37

20 Q But you didn't go beyond -- 01:37

21 A -- that I have worked on. I have not 01:37  
22 found any other site, although now, Dr. Kleck has 01:37  
23 mentioned and relied upon this Congressional 01:37  
24 Research Service, which does not list the mass 01:37  
25 shootings, but in order to have done the research 01:37

1 that they have done, they appear to have compiled 01:37  
2 their own list of mass shootings, and so I do 01:37  
3 think that that is an additional source that I 01:37  
4 will explore. I have not found that data to be 01:37  
5 publicly available, but perhaps there are other 01:37  
6 ways that I can obtain the data that they have 01:37  
7 done. So they appear to have done their own -- 01:37  
8 according to their analysis, they have done their 01:37  
9 own independent research of mass shootings. 01:37

10 Q So you didn't look at any sources other 01:38  
11 than Mother Jones and the Citizens Crime 01:38  
12 Commission for mass shooting incidents, meaning 01:38  
13 the definition that you were looking at; is that 01:38  
14 correct? 01:38

15 A I have looked at a whole host of other 01:38  
16 sources to see if there are other sources for mass 01:38  
17 shootings. Having reviewed a whole host of other 01:38  
18 sources, I have continued to find that the 01:38  
19 Citizens Crime Commission and Mother Jones have 01:38  
20 the most comprehensive list of mass shootings or 01:38  
21 public mass shootings or mass shootings of the 01:38  
22 type that are at issue, the mass shootings that I 01:38  
23 have analyzed are, in my report, are those from 01:38  
24 Mother Jones and Citizens Crime Commission. 01:38

25 Q And in reviewing all those other sources 01:39

1 to see if there was one potentially better or 01:39  
2 equivalent to Mother Jones and Citizens Crime 01:39  
3 Commission in your opinion, did any of those 01:39  
4 materials -- did you see any mass shooting 01:39  
5 incidents in those materials that you did not 01:39  
6 recognize from appearing in Mother Jones or 01:39  
7 Citizens Crime Commission? 01:39

8 A Sure. There are lots of mass shootings 01:39  
9 in, for example, Dr. Kleck's book and list of mass 01:39  
10 shootings that are not in Citizens Crime and 01:39  
11 Mother Jones, because, as I said before, he uses a 01:39  
12 definition of mass shootings -- 01:39

13 Q You misunderstood my question I think. 01:39  
14 I'm asking ones that met the definition used in 01:39  
15 Mother Jones and Citizens Crime Commission, in 01:39  
16 reviewing these other sources because sometimes, 01:39  
17 like you said, CCC might find a shooting that 01:39  
18 Mother Jones didn't find or vice versa, in 01:40  
19 reviewing those other source, did you see any that 01:40  
20 had mass shootings that met their definition but 01:40  
21 was not included in Mother Jones or CCC? 01:40

22 A There might have been one or two mass . 01:40  
23 shootings. So there is not a source that I found 01:40  
24 that was more comprehensive, but in reviewing 01:40  
25 particular instances, there may have been one or 01:40

1 two mass shootings that based on the materials I 01:40  
2 reviewed appeared that they would fit the 01:40  
3 definition of Mother Jones and Citizens Crime 01:40  
4 Commission. 01:40  
5 Q And you didn't include those in your 01:40  
6 report? 01:40  
7 A No, I had a -- I did not want to -- I 01:40  
8 had sort of one reputable method, which is I'm 01:40  
9 using these sources and this is what I'm doing and 01:40  
10 these are the most comprehensive sources I'm able 01:40  
11 to find. I didn't want to include another, and in 01:41  
12 the course of looking at something that some 01:41  
13 expert opposing, rebutting my analysis pointed to, 01:41  
14 I have found one or two incidences that, you know, 01:41  
15 from based on that information may meet that 01:41  
16 criteria, that wouldn't then be a systematic 01:41  
17 reputable objective way. It would depend on -- so 01:41  
18 I haven't systematically, for example, gone 01:41  
19 through -- no, I haven't included anything in 01:41  
20 addition. I haven't included any incidents in 01:41  
21 addition to Mother Jones and Citizens Crime 01:41  
22 Commission in my analysis of mass shootings. I . 01:41  
23 have obviously relied on other information and I 01:41  
24 have looked to see whether there are other or more 01:41  
25 comprehensive sources of mass shootings, but I 01:41

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1 haven't added an incident here and there that I 01:42  
2 may have found through somewhat ad hoc anecdotal 01:42  
3 method. 01:42

4 Q So your analysis in your report could 01:42  
5 omit mass shootings that meet the definition of 01:42  
6 Mother Jones and Citizens Crime Commission? 01:42

7 A Yes. There could be mass shootings that 01:42  
8 meet their definition that are not in there, yes, 01:42  
9 that is possible. 01:42

10 Q Going right above on that same page of 01:42  
11 Exhibit 83. We were looking at the penultimate 01:42  
12 page, if you will. 01:42

13 A Okay. 01:42

14 Q So under acknowledgments it says: This 01:42  
15 analysis was prepared by Ashley Cannon with 01:42  
16 assistance from Evan Thies -- T-H-I-E-S -- Colin 01:43  
17 Wolfgang, and Jack Schrader. Do you know any of 01:43  
18 these individuals? 01:43

19 A I don't personally know them. I may 01:43  
20 have communicated or my team may have communicated 01:43  
21 with some of them. 01:43

22 Q Okay. Are you familiar with the methods 01:43  
23 that they undertook to compile this document? 01:43

24 MR. ECHEVERRIA: Objection. Vague. 01:43

25 A I believe that over time I have 01:43

1       communicated with them or my team has communicated       01:43  
2       with them. I wouldn't say I -- I mean, I think       01:43  
3       their methods are described and the results of       01:43  
4       their methods are similar, for example, to Mother       01:43  
5       Jones. I don't know to what extent they have       01:43  
6       checking processes similar to that done by NERA,       01:44  
7       for example. I don't know that. So I have some       01:44  
8       information about how they've done things. I       01:44  
9       wouldn't say I have the same sort of detailed       01:44  
10      information that you, for example, have about what       01:44  
11      I have done here where I turned over all the       01:44  
12      information I have considered and relied upon and       01:44  
13      have given you detailed tables that back up that       01:44  
14      information.       01:44  
15           Q       Can you turn to the page just prior to       01:44  
16      that.       01:44  
17           A       Sure.       01:44  
18           Q       On Exhibit 83.       01:44  
19           A       Um-hum.       01:44  
20           Q       So this -- on the left-hand side, which       01:44  
21      is page 3 of this.       01:44  
22           A       Okay.       . 01:44  
23           Q       It says Assault Weapons and Large       01:44  
24      Capacity Magazines, the heading. Do you see that?       01:44  
25           A       I do.       01:44

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1 Q Do you know whether they are saying that 01:44  
2 these incidents involved both an assault weapon 01:45  
3 and a large capacity magazine or just one of the 01:45  
4 two? 01:45

5 A Here, I don't recall. I think it's one 01:45  
6 or the other. 01:45

7 Q Okay. 01:45

8 A But I didn't particularly -- I don't 01:45  
9 know if it says here somewhere. 01:45

10 Q In compiling your list, would you have 01:45  
11 reviewed these to determine whether it involved 01:46  
12 one or the other before you put it into a 01:46  
13 category? 01:46

14 A Yeah. So when we did the assault 01:46  
15 weapons analysis, as I said, we have a very 01:46  
16 detailed description of what we're actually doing. 01:46  
17 I already went through how we did it and how we 01:46  
18 decided an assault weapon is not based on Citizens 01:46  
19 Crime Commission. We're using Citizens Crime 01:46  
20 Commission in part for the identification of a 01:46  
21 mass shooting. We have identified whether an 01:46  
22 assault weapon using the California definition of 01:46  
23 assault weapon. I'm not sure what Citizens Crime, 01:46  
24 how they are defining an assault weapon. It does 01:46  
25 say here, they talk about the number of incidents 01:46

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1 with an assault weapon or firearm equipped with a 01:46  
2 large capacity magazine. And I do believe they do 01:46  
3 do an analysis where they have an R. We have not 01:47  
4 used their classification of assault weapon. I 01:47  
5 don't know if it says here what... I imagine 01:47  
6 somewhere it says what they mean by assault 01:47  
7 weapon. I mean, they are referencing the ban. 01:47

8 Q What ban is that? 01:47

9 A The Federal Assault Weapons Ban. So it 01:47  
10 appears that they would be using the Federal 01:47  
11 Assault Weapons Ban definition of assault weapon, 01:47  
12 but I just don't know. I may have at one point 01:47  
13 looked at this, but I did not use their definition 01:47  
14 of assault weapon for the analysis in this case. 01:48

15 Q In looking at -- sorry, did you have 01:48  
16 something you wanted to add? 01:48

17 A Yeah. Now that I could see this a 01:48  
18 little bit better, this doesn't appear to have the 01:49  
19 list of mass shootings. So this list, for 01:49  
20 example, mass shootings out of assault weapons and 01:49  
21 large capacity magazines rather than listing all 01:49  
22 the mass shootings. So this can't be the complete . 01:49  
23 document that we used because it just does n't 01:49  
24 list all the mass shootings that we have listed. 01:49

25 Q Okay. So it's your belief that Exhibit 01:49

1 83 is not the document reflected in Footnote 8 of 01:49  
2 your report titled Mayhem Multiplied, Mass 01:49  
3 Shooters and Assault Weapons? 01:50

4 A It's my belief that this is not the full 01:50  
5 document that I have referenced under my materials 01:50  
6 considered, Citizens Crime Commission of New York 01:50  
7 City, Mayhem Multiplied, and I have the... 01:50

8 Q Okay. And that's Subsection D under 01:50  
9 materials considered? 01:50

10 A Yeah. 01:50

11 Q The first link. 01:50

12 A Hold on. Unless this is the two 01:51  
13 combined. Now I'm seeing it's assault weapons and 01:51  
14 large capacity magazines and then it's other guns. 01:51  
15 If that's all of them, that could be all the mass 01:51  
16 shootings. So then that could explain it. 01:51

17 Q Okay. So this could be -- could it be 01:51  
18 that how this printed, the pages aren't like this 01:51  
19 on the website, they might be vertical instead of 01:51  
20 side by side and that might be... 01:51

21 A It's not that I really recall how it 01:51  
22 looked. I mean, I have this particular, this 01:51  
23 document looks familiar to me, but we have 01:51  
24 obtained Citizens Crime Commission's full set of 01:52  
25 mass shootings over this time period. And perhaps 01:52

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1 they are all on here and they are under assault 01:52  
2 weapons and large capacity magazines and then 01:52  
3 other, under other guns, but I'm just -- we should 01:52  
4 have, at any rate, turned over to you each of the 01:52  
5 documents that we did rely on. 01:52  
6 Q We'll confirm and see if that's the 01:52  
7 right document or not. Did you run any of your 01:52  
8 own regressions on the data from Mother Jones or 01:53  
9 the Citizens Crime Commission? 01:53  
10 MR. ECHEVERRIA: Objection. Compound. 01:53  
11 Q Okay. Did you run any regressions on 01:53  
12 the data compiled by Mother Jones? 01:53  
13 A Any regressions? 01:53  
14 Q Yes. 01:53  
15 A I don't believe so, no. 01:53  
16 Q Your question back to me suggests that 01:53  
17 you wouldn't think that that would be necessary; 01:53  
18 is that fair to say? 01:53  
19 A I don't have a particular thought of 01:53  
20 what we would run a regression on. 01:53  
21 Q And that's why you think it wouldn't be 01:53  
22 necessary? . 01:53  
23 A I think that's right. 01:53  
24 Q So when you look at Exhibit B to your 01:54  
25 report. 01:54

1 A B? 01:54

2 Q B, yes. 01:54

3 A Appendix B? 01:54

4 Q Yes, I'm sorry, Appendix B. 01:54

5 MR. ECHEVERRIA: The original Appendix B 01:54

6 in her report, not Exhibit 80? 01:54

7 MR. BRADY: Yes. I don't think it will 01:54

8 make a difference for this purpose. Either 01:54

9 one will suffice. I'm just looking at the 01:54

10 categories, which I don't believe have 01:54

11 changed at the top. 01:54

12 Q Correct? 01:54

13 A Correct, other than that the casualties 01:54

14 don't include the shooter anymore. 01:54

15 Q So you have several variables: Shots 01:54

16 fired, number of guns, guns obtained legally. Is 01:54

17 it not ever helpful to -- or would it not be 01:54

18 helpful to run regressions on those variables 01:55

19 to... 01:55

20 A To do what? 01:55

21 Q Formulate your opinion here? 01:55

22 MR. ECHEVERRIA: Objection. Vague. 01:55

23 A I'm not sure what you would be referring 01:55

24 to. Usually people say people run regressions 01:55

25 without any idea of what they're doing. I haven't 01:55

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1 heard anyone suggest you should just run 01:55  
2 regressions without some question that the 01:55  
3 regression is trying to answer. 01:55  
4 Q That's what I'm asking you. I don't 01:55  
5 pretend to be an expert on regressions or 01:55  
6 anything, so I'm asking you because you are the 01:55  
7 expert on regressions, right, would you see a need 01:56  
8 to run any regressions on this data -- would 01:56  
9 running regressions be helpful to you here? 01:56  
10 MR. ECHEVERRIA: Objection. Vague. 01:56  
11 A I did not see a need in doing my 01:56  
12 assignment in this case to run regressions, no. 01:56  
13 Q So it is your opinion that assault 01:57  
14 weapons when used in mass shootings cause 01:57  
15 casualties to be higher than those that do not 01:57  
16 involve assault; is it fair to say? 01:57  
17 A It's my finding that in mass shootings 01:57  
18 that involve assault weapons that casualties are 01:57  
19 higher. 01:57  
20 Q Could that -- could your observation be 01:58  
21 the result of a spurious correlation? 01:58  
22 MR. ECHEVERRIA: Objection. Calls for . 01:58  
23 speculation. 01:58  
24 A Dr. Kleck claims that it could be or he 01:58  
25 claims that it could be or that it is a spurious 01:58

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1 correlation. A spurious correlation, as I 01:58  
2 understand him to be using the term, is either it 01:59  
3 is a coincidence -- and I don't believe he thinks 01:59  
4 it's a coincidence -- that it's not just from my 01:59  
5 data, he believes it is true from any data source 01:59  
6 you look at. So my understanding is that Dr. 01:59  
7 Kleck thinks that it's not just with my data, it's 01:59  
8 with his analysis of mass shootings and anyone 01:59  
9 else's analysis of mass shootings. He seems to 01:59  
10 believe that it is because the shooters believe 01:59  
11 that assault weapons will kill more people or help 01:59  
12 them kill or injure more people. That seems to be 01:59  
13 his explanation. 01:59  
14 Q And is that a plausible explanation? 01:59  
15 A I think if the mass shooters think 02:00  
16 assault weapons kill more people, that would seem 02:00  
17 to be consistent with what the State of California 02:00  
18 is trying to do and ban assault weapons, then 02:00  
19 banning the very things that the shooters think 02:00  
20 are helpful in killing more people. I mean, it 02:00  
21 would seem that Dr. Kleck is saying that the 02:00  
22 shooters seem to believe what the State of . 02:00  
23 California also believes and what, according to 02:00  
24 Dr. Kleck, he says the media believes. 02:00  
25 Q And what does the State of California 02:00

1 believe, as you understand it? 02:00

2 MR. ECHEVERRIA: Objection. Vague. 02:00

3 A I don't want to speak that I do 02:00

4 understand what the State of California believes. 02:00

5 My understanding is that the State of California 02:00

6 believes that a ban on assault weapons is a good 02:01

7 idea, and in part, because the State of California 02:01

8 believes that mass shootings involve assault 02:01

9 weapons and that those that involve assault 02:01

10 weapons are more deadly or have more casualties. 02:01

11 Q But assuming that there are more 02:01

12 casualties in mass shootings where an assault 02:01

13 weapon is used, have you seen any literature, 02:01

14 academic literature, research-based, that supports 02:01

15 the notion that those casualties are because of 02:02

16 the rifle used? 02:02

17 MR. ECHEVERRIA: Objection. Vague. 02:02

18 A Well, Dr. Kleck's discussion -- 02:02

19 Q I'm asking if you've seen anything in 02:02

20 the literature. 02:02

21 MR. ECHEVERRIA: Objection. Vague. 02:02

22 A Dr. Kleck has the same discussions, I . 02:02

23 believe, in his writings. I think the fact that 02:02

24 there are more casualties in mass shootings when 02:02

25 assault weapons are involved is consistent with 02:02

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1 the theory that assault weapons cause more 02:02  
2 casualties. 02:02

3 Q In your analysis of mass shootings, you 02:03  
4 grouped things into assault weapons and 02:03  
5 non-assault weapons, is that correct, in your 02:03  
6 table on page 7 of your report? 02:03

7 A So I looked at whether the mass shooting 02:03  
8 involved an assault weapon according to the laws 02:03  
9 of the State of California. 02:03

10 Q So it either did or -- in which case you 02:03  
11 put it under the assault weapon column -- or it 02:03  
12 did not, in which case you put it in the no 02:03  
13 assault weapon column or unknown, correct? 02:04

14 A Right. So either there is enough 02:04  
15 information to say it was an assault weapon, it 02:04  
16 was not an assault weapon or there wasn't enough 02:04  
17 information and it was unknown. 02:04

18 Q Okay. And you compared, in making your 02:04  
19 determination that use of an assault weapon 02:04  
20 results in more casualties in a mass shooting when 02:04  
21 an assault weapon is involved than others, you 02:04  
22 were looking at these two numbers or these two 02:04  
23 categories in your table, assault weapons and no 02:04  
24 assault weapons? 02:04

25 A That's one of the things, yes. 02:04

1 Q Okay. Do you know whether any rifles 02:04  
2 are included in the no assault weapon category? 02:04  
3 A Well, sort of one question is there are 02:05  
4 multiple weapons in many of the mass shootings, so 02:05  
5 this is where none of the weapons were an assault 02:05  
6 weapon and at least one of the weapons was an 02:05  
7 assault weapon, so I'm not sure your question is 02:05  
8 clear or makes sense. 02:05  
9 Q Well, let me restate it. So you're 02:05  
10 saying that in the no assault weapon, that means 02:05  
11 that the shooter could have had various guns or 02:05  
12 one gun, but none of them were an assault weapon, 02:05  
13 correct? 02:05  
14 A That's right. 02:05  
15 Q In any of those instances where no 02:05  
16 assault weapon was present, do you know whether 02:05  
17 the shooter had a rifle? 02:05  
18 A As I sit here, no, but if you look at my 02:05  
19 table, that might help. So a rifle that's not an 02:05  
20 assault weapon and not an assault rifle. 02:06  
21 Q Correct. 02:06  
22 A Yes, probably. I mean, I think that's 02:06  
23 the case. So what I show in my table in Appendix 02:06  
24 C is what Citizens Crime and Mother Jones, what 02:06  
25 weapon description they had. How I actually coded 02:06

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1 the assault weapon and assault rifle is based on 02:06  
2 the additional information based on searches that 02:06  
3 I turned over to you, but this would give some 02:06  
4 indication. I think you would have to go back to 02:06  
5 the sources that I used to see what actual 02:06  
6 weapons -- I mean, on the whole, I would say I 02:06  
7 found, using searches, found more information than 02:06  
8 was in Mother Jones and Citizens Crime Commission, 02:07  
9 not so much that the information that they said 02:07  
10 was, you know, flat out wrong. It was just more 02:07  
11 detailed. 02:07  
12 Q So there could be rifles used by the 02:07  
13 shooter in the no assault weapon category? 02:07  
14 A Yes, there could be. 02:07  
15 Q You didn't do any specific analysis 02:07  
16 between non-assault weapon rifles and assault 02:07  
17 rifles as far as the difference in casualties? 02:07  
18 A I didn't do that. If I understand your 02:07  
19 question, I didn't do that, no. 02:07  
20 Q How did you understand my question? 02:07  
21 A You're asking me if I somehow divided up 02:07  
22 this no assault weapon in some way. I haven't. 02:07  
23 Q I think that probably addresses my 02:07  
24 questions about it, but what I specifically want 02:07  
25 to know is if you compared shootings with 02:07

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1 non-assault weapon rifles and assault rifles to 02:08  
2 see if there was -- what the difference was in the 02:08  
3 results of the shooting? 02:08  
4 A I did not make that comparison, no. 02:08  
5 Q And you said you didn't distinguish 02:08  
6 between what categories of firearms and no assault 02:08  
7 weapons were in comparing them to assault weapons, 02:08  
8 right? 02:08  
9 A I'm comparing what the California law 02:08  
10 claims is an assault weapon to what they do not 02:08  
11 categorize as an assault weapon, and then I'm 02:08  
12 comparing what specific ones that the Plaintiffs 02:08  
13 are complaining about. 02:08  
14 Q So the no assault weapon category could 02:08  
15 constitute a lot of handguns; is that fair to say? 02:09  
16 MR. ECHEVERRIA: Objection. Vague. 02:09  
17 A Well, you can look at the descriptions. 02:09  
18 I don't want to try to categorize that. 02:09  
19 Q Okay. In making this comparison, you 02:09  
20 were -- there are handguns in the no assault 02:09  
21 weapon category, correct? 02:09  
22 A And by that, do you mean are there . 02:09  
23 handguns at all or are there only handguns as 02:09  
24 opposed to rifles? 02:09  
25 Q Either one. 02:09

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1           A       Yeah, I mean... 02:09

2           Q       No assault weapons. In the no assault 02:09

3 weapons, there's no assault weapons, right, so 02:09

4 there's going to be either handguns, shotguns or 02:09

5 rifles that are not assault weapons, right? 02:09

6           A       That's right. 02:09

7           Q       But in doing that analysis, if there was 02:10

8 handguns only used, you were comparing those 02:10

9 handguns in those shootings to assault rifles, is 02:10

10 that fair to say? In determining that assault 02:10

11 weapons cause higher casualties, is that fair to 02:10

12 say? 02:10

13          A       I'm looking at mass shootings and I'm 02:10

14 looking at what are the casualties in mass 02:10

15 shootings where an assault weapon banned by 02:10

16 California is involved and ones where banned guns 02:10

17 are not involved. I'm also looking at mass 02:10

18 shootings where assault weapons that are banned by 02:10

19 California but complained about by Plaintiffs are 02:10

20 involved compared to ones where they are not 02:10

21 involved. 02:10

22          Q       I understand that. 02:10

23          A       That's -- 02:10

24          Q       You're looking at your table, this 02:10

25 category assault rifle. We're going to ditch 02:11

1 assault weapon for right now and just look at the 02:11  
2 25 assault rifle incidents on your table on page 02:11  
3 7. So there's 25 assault rifle incidents. 02:11  
4 Comparing those with the 77 no assault weapon 02:11  
5 incidents, that's how you made your determination 02:11  
6 that casualties were higher in mass shootings that 02:11  
7 involved assault weapons; is that correct? 02:11  
8 A No. With the assault weapons, I looked 02:11  
9 at the assault weapon line to make that 02:11  
10 determination. 02:11  
11 Q Assault rifles -- that's -- you also 02:11  
12 have the same conclusion about assault rifles -- 02:11  
13 A Right. 02:11  
14 Q -- as you do as assault weapons, is that 02:11  
15 fair to say, that assault rifles cause greater 02:11  
16 casualties than non-assault weapons? 02:11  
17 A I say that in mass shootings that 02:12  
18 involve an assault weapon, there are more 02:12  
19 casualties than those that do not. I say also 02:12  
20 that in mass shootings that involve an assault 02:12  
21 rifle, meaning the type of weapon that Plaintiffs 02:12  
22 are complaining about specifically in this case, 02:12  
23 there are more casualties than there are in other 02:12  
24 mass shootings. 02:12  
25 Q And in those other mass shootings -- 02:12

1	A	I'm using all other ones.	02:12
2	Q	So there could be handguns?	02:12
3	A	That's right.	02:12
4	Q	There could be shotguns?	02:12
5	A	Yes.	02:12
6	Q	Okay. So you're comparing --	02:12
7	A	I mean, I don't know. Whatever there	02:12
8		are, there are. They are just not assault	02:12
9		weapons.	02:12
10	Q	Okay. Do you know if you determined	02:12
11		whether any of the assault weapon -- sorry --	02:13
12		assault rifle incidents involved a magazine that	02:13
13		was not an LCM?	02:13
14	A	In any of the assault rifle ones, you	02:13
15		could look that up in my table. I don't know off	02:13
16		the top of my head.	02:13
17	Q	Okay. But it would be -- so you	02:13
18		indicated in your report where an assault rifle	02:13
19		did not have an LCM.	02:13
20	A	I indicated whether there was an LCM or	02:13
21		not an LCM. I indicated whether it was an assault	02:13
22		weapon or not, so, sure, you can look at that.	02:13
23	Q	Where would I look at that?	02:13
24	A	Appendix B.	02:13
25	Q	Okay.	02:14

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1 MR. ECHEVERRIA: Can we take a very 02:14  
2 short break. 02:14  
3 MR. BRADY: Yeah. Off the record. 02:14  
4 VIDEOGRAPHER: The time on the video 02:14  
5 monitor is 2:14 p.m. We are off the 02:14  
6 record. 02:15  
7 (A brief recess was taken.) 02:15  
8 VIDEOGRAPHER: We are back on the 02:19  
9 record. The time on the video monitor 02:19  
10 is 2:19 p.m. This starts Media 4. 02:19  
11 EXAMINATION BY MR. BRADY: 02:19  
12 Q So I just want to refresh our memory 02:19  
13 about where we were before we took a short break. 02:20  
14 I was asking whether you in your report made any 02:20  
15 distinctions between non-assault weapons and 02:20  
16 assault rifles -- I'm sorry -- whether you made 02:20  
17 any distinctions about what type of firearm was 02:20  
18 being considered as a non-assault weapon when 02:20  
19 making your comparison with assault rifles in 02:20  
20 determining which ones cause more casualties; is 02:20  
21 that your recollection? 02:20  
22 MR. ECHEVERRIA: Objection. Vague. .. 02:20  
23 A I didn't understand that. Sorry. 02:20  
24 Q So we were talking about how the no 02:20  
25 assault weapon category is comprised of handguns, 02:21

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1 shotguns, and non-assault weapon rifles, correct? 02:21

2 A Yes, it could be. I don't... 02:21

3 Q Okay. I guess it's more fair to say -- 02:21

4 A I don't particularly recall what is in 02:21

5 -- what weapons are in that. 02:21

6 Q You did not do an analysis segregating 02:21

7 what type of non-assault weapon it was based on 02:21

8 the type of firearm, right? 02:21

9 A Or were, yeah. And, again, there are 02:21

10 often multiple weapons involved in a mass 02:21

11 shooting. I'm analyzing assault weapon or assault 02:21

12 rifle versus non-assault weapon. I'm not looking 02:21

13 at any further distinctions among the weapon 02:21

14 types. I'm only looking at what California has 02:22

15 banned and what Plaintiffs are complaining about. 02:22

16 Q Got it. 02:22

17 A Compared to what's not banned. 02:22

18 Q Got it. So if the shooter had multiple 02:22

19 firearms, one or more of which was an assault 02:22

20 rifle and one or more of which was not an assault 02:22

21 weapon, would they still go under the assault 02:22

22 rifle category on your table? . 02:22

23 A Yes. 02:22

24 Q Okay. And would you consider all the 02:22

25 casualties that that shooter inflicted in the 02:22

1 entire shooting in the number of casualties in an 02:22  
2 assault rifle shooting or would you segregate out 02:22  
3 those victims who were shot by one of the other 02:22  
4 firearms? 02:23

5 A It's the total number within the mass 02:23  
6 shooting, not including -- well, whatever, either 02:23  
7 including or not including the shooter, depending 02:23  
8 on which one of mine. 02:23

9 Q So for example, the Aurora shooting, the 02:23  
10 shooter used the assault rifle, then he used a 02:23  
11 pump action shotgun, and I think he used a 02:23  
12 handgun. Assuming he shot people with the shotgun 02:23  
13 and the handgun, those victims would be included 02:23  
14 in your count of victims in assault rifle 02:23  
15 shootings? 02:23

16 A The count is the total number of the 02:23  
17 mass shooting. It's not a number specific to any 02:23  
18 particular gun. 02:23

19 Q So that's a yes? 02:23

20 A I think that's a yes. I don't know if I 02:23  
21 agree with you or disagree with you about the 02:23  
22 specifics of the Aurora. These counts are for the 02:23  
23 mass shooting as a whole. They are not specific 02:23  
24 to any specific gun. 02:24

25 Q I was asking you to assume that other 02:24

1 people were shot in the Aurora -- or that people 02:24  
2 were shot in the Aurora incident by something 02:24  
3 other than the assault rifle, those people would 02:24  
4 be included in your assault rifle casualties; is 02:24  
5 that correct? 02:24  
6 A Yes, I believe that is correct. 02:24  
7 Q So you have a section in your report 02:24  
8 about the use of LCMs, and when you say LCM, we 02:24  
9 are talking about large capacity magazines, 02:24  
10 correct? 02:24  
11 A Correct. 02:24  
12 Q And you come to the conclusion that the 02:24  
13 use of LCMs results in higher casualties in mass 02:24  
14 shootings; is that correct? 02:24  
15 A That mass shootings that involve LCMs 02:25  
16 have higher numbers of casualties. 02:25  
17 Q That's your opinion? 02:25  
18 A That's my finding. 02:25  
19 Q Your finding. Okay. Why did you 02:25  
20 evaluate LCMs in this case? 02:25  
21 A That was part of my assignment. We went 02:25  
22 over my assignment earlier. 02:25  
23 Q Okay. So you did it solely because the 02:25  
24 state asked you to? 02:25  
25 A Yes. 02:25

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1 Q You didn't find any particular relevance 02:25  
2 in why you were being asked about LCMs in a case 02:25  
3 about assault weapons? 02:25

4 MR. ECHEVERRIA: Objection. Calls for a 02:25  
5 legal conclusion. 02:25

6 A It was what I was asked to do. I mean, 02:25  
7 I was asked -- we went over my assignment. 02:25

8 Q Is it your understanding that assault 02:25  
9 weapons necessarily use LCMs? 02:25

10 A That's not my understanding, no. 02:25

11 Q Okay. Do you have reason to believe 02:25  
12 that any of the assault rifles in the incidents 02:26  
13 you evaluated, the mass shootings you evaluated, 02:26  
14 did not use an LCM? 02:26

15 A I said that's something you can look at 02:26  
16 on my table. 02:26

17 Q I understand, and I'll look at the 02:26  
18 table. Do you, in looking at the data, do you 02:26  
19 recall whether it was more often than not an 02:26  
20 assault rifle would have an LCM? 02:26

21 A My recollection is the assault in mass 02:26  
22 shootings with assault weapons, they were often 02:26  
23 mass shootings with large capacity magazines. 02:26  
24 That's my... 02:26

25 Q Okay. Did you consider that in your 02:26

1 analysis? Did you control for assault rifles with 02:26  
2 or without LCMs? In other words, did you look at 02:26  
3 whether an assault rifle had an LCM or not in 02:27  
4 making your analysis? 02:27

5 A So I looked at whether there was an 02:27  
6 assault weapon or not and whether there was an LCM 02:27  
7 or not, and then here I have numbers that are 02:27  
8 assault weapon and large capacity magazine, large 02:27  
9 capacity magazine only, no assault weapon or large 02:27  
10 capacity magazine. 02:27

11 Q Assuming that all the assault rifles did 02:27  
12 indeed use LCMs, could the increase in casualties 02:27  
13 that you believe you've noticed in these mass 02:28  
14 shootings be a result of the LCM and not the 02:28  
15 rifle? 02:28

16 MR. ECHEVERRIA: Objection. Calls for 02:28  
17 speculation. 02:28

18 A So one of the things that I have found 02:28  
19 is that mass shootings that involve assault 02:28  
20 weapons have more casualties than mass shootings 02:28  
21 that don't. I've also found that mass shootings 02:28  
22 that involve LCMs have more casualties than those 02:28  
23 that don't. I do think that a lot of the mass 02:28  
24 shootings that involve assault weapons also 02:29  
25 involve LCMs. I haven't done anything further 02:29

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1 than as described in my report to try to make 02:29  
2 additional distinctions. I haven't done any 02:29  
3 further breakdown other than the breakdowns that 02:29  
4 are already shown in my report. 02:29

5 Q Okay. So you're basically noticing 02:29  
6 assault weapons and LCMs were used in this 02:29  
7 incident and the casualties were higher; is that 02:29  
8 correct? 02:29

9 A Well, one of the things that I'm finding 02:29  
10 is that in a substantial proportion of mass 02:29  
11 shootings, assault weapons are involved that 02:29  
12 casualties and fatalities are higher in mass 02:29  
13 shootings involving assault weapons. They are 02:29  
14 also higher in mass shootings involving LCMs. I 02:30  
15 mean, there's some other things that I have 02:30  
16 analyzed in my report. I don't want to pass over 02:30  
17 the other things that I've done, but I don't think 02:30  
18 I've done whatever specific question you're asking 02:30  
19 me. 02:30

20 Q And my specific question is whether you 02:30  
21 can isolate the rifle being the culprit in the 02:30  
22 higher casualties versus the LCM, and you're 02:30  
23 saying you did not do that analysis; is that 02:30  
24 correct? 02:30

25 MR. ECHEVERRIA: Objection. Vague. 02:30

1           A       I don't believe I did an analysis on           02:30  
2       that question, no.           02:30  
3           Q       Did you do an analysis on any of the           02:30  
4       features of an assault weapon playing a role in           02:30  
5       the casualty rate of a mass shooting?           02:31  
6                   MR. ECHEVERRIA: Objection. Vague.           02:31  
7           A       The only thing I've done to break down           02:31  
8       the features of an assault weapon and the           02:31  
9       relationship with casualties is to, on the one           02:31  
10      hand, look at all assault weapons as defined by           02:31  
11      the California law and then separately to look at           02:31  
12      only those assault weapons that the Plaintiffs are           02:31  
13      complaining about in this particular instance,           02:31  
14      which are -- have, you know, some different           02:31  
15      features than other assault weapons as defined by           02:31  
16      California.           02:31  
17           Q       Okay. I just want to finish up here           02:32  
18      with an explanation just to sort of a reiteration,           02:32  
19      I'm going to try not to be redundant or ask you           02:32  
20      questions that I already have, but I think it's           02:32  
21      critical to sort of just clarify definitional           02:32  
22      aspects. So you focus on or, I'm sorry, the           . 02:32  
23      definition of mass shooting that you were           02:32  
24      utilizing from Mother Jones and the Citizens Crime           02:32  
25      Commission report in preparing your report uses a           02:32

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1 definition of mass shooting that for incidents 02:32  
2 that only occur in public places; is that correct? 02:32  
3 A The mass shootings are in public places 02:32  
4 as opposed to in the home, yes. The mass 02:33  
5 shootings that are the focus of Mother Jones, 02:33  
6 Citizens Crime, and my analysis are in public 02:33  
7 places, not in the home. 02:33  
8 Q Okay. So there could be shootings of 02:33  
9 four or more victims that occurred in homes that 02:33  
10 are not going to be considered in your materials, 02:33  
11 correct? 02:33  
12 A That's right. 02:33  
13 Q Okay. Did you look -- did you do any 02:33  
14 research into how big of a number those shootings 02:33  
15 are, the private mass shootings? And when I say 02:33  
16 private mass shootings, I'm saying where four or 02:33  
17 more victims, fatalities in a nonpublic place? 02:33  
18 MR. ECHEVERRIA: Objection. Vague. 02:33  
19 A I did not do an analysis of that. I did 02:33  
20 an analysis of the types of mass shootings that 02:34  
21 was the focus of the State of California, as well 02:34  
22 as other states, so no, I did not do an analysis 02:34  
23 of mass shootings in the home or incidents in the 02:34  
24 home where more than four people were killed, not 02:34  
25 as a part of this analysis, no. 02:34

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1 Q So is it fair to say you don't know the 02:34  
2 universe of private mass shootings as far as how 02:34  
3 big or small of a number that is? 02:34

4 MR. ECHEVERRIA: Objection. Vague. 02:34

5 A I did not do an analysis of that as the 02:34  
6 basis of this report. I may have in the course of 02:34  
7 my work reviewed numbers. I may have some 02:34  
8 knowledge of that. But that is not something I 02:34  
9 have prepared for or is part of my analysis in 02:34  
10 this case. 02:35

11 Q Do you recall from that previous work 02:35  
12 whether the number of private mass shootings is 02:35  
13 larger or smaller than public mass shootings? 02:35

14 A I don't know about that. I will say the 02:35  
15 type of mass shooting that I have focused on is I 02:35  
16 believe smaller than the number of incidents where 02:35  
17 four or more people are killed and whether that's 02:35  
18 because it's gang-related, incidents related to 02:35  
19 some other type of crime. 02:35

20 Q And that's on page 5 of your report in 02:35  
21 Paragraph 10, you say: "Out of these 104 mass 02:35  
22 shootings, 27 or 26 percent involved assault 02:35  
23 weapons. Even assuming the mass shootings where 02:36  
24 it is not known whether an assault weapon was 02:36  
25 used, all did not involve an assault weapon. 02:36

1 Twenty-seven out of 109 mass shootings or 25 02:36  
2 percent involved assault weapons." What if you 02:36  
3 assumed it -- help me with my math -- what if you 02:36  
4 assumed it the other way, you assumed that all did 02:36  
5 involve assault weapons, so it would then be... 02:36  
6 A Sorry, you started this question as if 02:36  
7 it somehow responded to my last answer. You have 02:36  
8 just completely switched topics, right? 02:36  
9 Q I don't believe so, but if I did, then I 02:36  
10 did. 02:36  
11 MR. ECHEVERRIA: He can do that if he 02:36  
12 wants. 02:36  
13 A It's fine. And you sort of said so that 02:36  
14 means this. But what I last was talking about was 02:36  
15 very different from this. I'm a little confused. 02:36  
16 I'm fine with Paragraph 10. 02:37  
17 Q I was just trying to -- it jogged my 02:37  
18 memory about this. 02:37  
19 A Okay. 02:37  
20 Q That you were talking about -- we were 02:37  
21 talking about, you know, public versus private 02:37  
22 mass shootings and the number, whether private is 02:37  
23 bigger than public, and so then you referenced 02:37  
24 that you believe that the number of public ones is 02:37  
25 a subset of incidents where four or more people 02:37

1	were killed, right, that's where we left off?	02:37
2	A Right.	02:37
3	Q Okay. So coming to Paragraph 10, you	02:37
4	lay out: "Whether an assault weapon was used in a	02:37
5	mass shooting can be determined in 104 out of the	02:37
6	109 incidents considered in this analysis. Out of	02:38
7	these 104 mass shootings, 27 or 26 percent	02:38
8	involved assault weapons." Right. Then you say:	02:38
9	Even assuming the mass shootings where it is known	02:38
10	whether an assault weapon was used --	02:38
11	MR. ECHEVERRIA: Not known.	02:38
12	Q "Even assuming in the mass shootings	02:38
13	where it is not known whether an assault weapon	02:38
14	was used, all did not involve an assault weapon.	02:38
15	Twenty-seven out of 109 mass shootings or 25	02:38
16	percent involved assault weapons." So you're	02:38
17	assuming for the five incidents where it is not	02:38
18	known that they did not involve assault weapons.	02:38
19	I'm asking you what the math would be if you were	02:38
20	to assume those five were assault weapons?	02:38
21	A Right. And I just remember that I've	02:38
22	now -- since my report, one of these incidences,	02:38
23	so now it's only four, one more does involve an	02:39
24	assault weapon.	02:39
25	Q I'll make a note of that. Can we do	02:39

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1	that math though?	02:39
2	A So there's 109 and we know that now we	02:39
3	have 28 that involved assault weapons, and we	02:39
4	have -- what did we just say -- I think it might	02:39
5	be easier to look at -- it's easier to look at	02:39
6	this table, the one that I...	02:39
7	Q Sure.	02:39
8	A The one that I gave you.	02:39
9	Q As long as you understand my question	02:39
10	and can do the math, that's...	02:39
11	A So 28 involved an assault weapon.	02:39
12	Seventy-seven did not. And four were unknown. If	02:39
13	you assume the four that were unknown involved an	02:39
14	assault weapon and add that to the 28, that's 32,	02:39
15	and so then it would be 32 into 109.	02:40
16	Q So what's that, like 30ish percent, 29?	02:40
17	MR. ECHEVERRIA: Twenty-nine.	02:40
18	Q So 29 percent. So based on the	02:40
19	incidents that you considered as mass shootings,	02:40
20	worse case scenario, 29 percent of those mass	02:40
21	shootings involved assault weapons, is that what	02:40
22	that means?	02:40
23	A I'm not sure what your best and worse	02:40
24	case are. I'm not sure what you think is better.	02:40
25	Q Sorry, that was a bad way of phrasing --	02:40

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1 I guess, at most, 29 percent of those incidents 02:40  
2 involved assault weapons? 02:40  
3 A Right. When we say at most or at least, 02:40  
4 the only thing we're changing is what to do about 02:40  
5 the ones that are unknown. That's all we're 02:41  
6 changing. 02:41  
7 Q So in other words, it's simply a 02:41  
8 four-point swing -- 02:41  
9 A With any assumption about the unknown, 02:41  
10 that's what it would be. 02:41  
11 Q So it's basically a four-point swing 02:41  
12 either way or 4 percentage point swing? 02:41  
13 A Yeah, which sort of makes sense. There 02:41  
14 are about 100 and there are four we don't know. 02:41  
15 Q Okay. So could it be that assault 02:41  
16 weapons are more likely used in public mass 02:41  
17 shootings than they are in private mass shootings? 02:41  
18 MR. ECHEVERRIA: Objection. Calls for 02:41  
19 speculation. 02:41  
20 A That could be. 02:41  
21 Q And so if that is the case, and granted, 02:41  
22 it's a hypothetical, I'm not asking you to confirm 02:42  
23 that it is, but if it is, by confining your 02:42  
24 analysis to public mass shootings, aren't you then 02:42  
25 increasing the percentage of assault weapons that 02:42

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1 will be used in such incidents? 02:42

2 MR. ECHEVERRIA: Objection. Vague. 02:42

3 A If the incidents that the State of 02:42

4 California is concerned about are the public mass 02:42

5 shootings, then that is of concern to them. If in 02:42

6 addition this could have an effect on other types 02:42

7 of things, then that would be a bonus or an 02:42

8 additional potential benefit from this ban. In 02:42

9 addition, what I understand is Plaintiffs are 02:42

10 claiming that assault weapons are needed in the 02:42

11 home. If assault weapons are used more often in 02:43

12 public mass shootings and less often in the home, 02:43

13 that would seem to go against Plaintiff's claim 02:43

14 that assault weapons are commonly used in the 02:43

15 home. 02:43

16 Q We are talking about offensive versus 02:43

17 defensive use, correct? A mass shooter is 02:43

18 murdering people, right? That's a little bit 02:43

19 different than use in the home defending it, 02:43

20 right? 02:43

21 MR. ECHEVERRIA: Objection. Vague. 02:43

22 Q I'll withdraw the question. But I 02:43

23 mean... 02:43

24 A I don't see how it's a helpful line of 02:43

25 argument for you to say that there are fewer 02:43

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1 assault weapons used in the home in shootings than 02:43  
2 there are in other places, but regardless, I don't 02:43  
3 think that that... 02:43

4 Q Well, if that's the case -- I'm just 02:43  
5 saying, if that is the case, would it not skew the 02:43  
6 percentage of assault weapons used in public mass 02:44  
7 shootings much higher? 02:44

8 A No. What it would say is of the things 02:44  
9 that the State of California is particularly 02:44  
10 focused on, which are the mass shootings that I've 02:44  
11 analyzed, it's a substantial percent, and on top 02:44  
12 of it, it's used in other situations that may also 02:44  
13 be of concern. 02:44

14 Q I think we need to take a sidestep 02:44  
15 really quick. I need to ask you, from where are 02:44  
16 you getting your understanding of what California 02:44  
17 is trying to ameliorate here with this law? 02:44

18 A So I'm getting that understanding as a 02:44  
19 result of my assignment in this case. Part of my 02:44  
20 understanding of my assignment is that this was 02:44  
21 particularly a focus for the State of California. 02:44

22 Q Is public mass shootings? 02:44

23 A Yes. 02:44

24 Q Okay. And that was indicated to you by 02:44  
25 the Attorney General's office, that that's the 02:45

1 State's concern? 02:45

2 A That was my understanding in part in 02:45

3 performing this analysis in this case, as I say in 02:45

4 the beginning of my report, that it's my 02:45

5 understanding. 02:45

6 Q Okay. 02:45

7 A The analysis focused on public mass 02:45

8 shootings because it's my understanding that the 02:45

9 State of California is concerned about public mass 02:45

10 shootings and enacted the Challenge Laws in part 02:45

11 to address the problem of public mass shootings. 02:45

12 Q Let's assume that the State of 02:45

13 California is also concerned about people being 02:45

14 murdered in mass in their homes. If that is the 02:45

15 case and they -- the State hopes this law or 02:45

16 enacted this law to also address those shootings 02:45

17 by omitting those shootings from your analysis, 02:45

18 doesn't that raise the percentage of assault 02:45

19 weapon use in the mass shootings you're 02:46

20 evaluating? In other words, wouldn't the 02:46

21 percentage be much smaller if you were to include 02:46

22 private mass shootings? 02:46

23 A So you'd say that there is this percent 02:46

24 of the public mass shootings, which is something 02:46

25 that I have said is my understanding is a concern 02:46

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1 of the State of California, and in addition, if 02:46  
2 they have a concern in the home, then that would 02:46  
3 be on top of that. 02:46

4 Q Correct. And if -- 02:46

5 A So that would just be more. So it's 02:46  
6 like saying you're going to get, you know, 02:46  
7 whatever some percentage of my pizza, which is 02:46  
8 what you are really interested in, but on top of 02:46  
9 that, I'm going to give you some of my cake. 02:46

10 Q Let me see if I can rephrase this 02:47  
11 question in a way that -- I'm asking you to assume 02:47  
12 that the State of California also cares about 02:47  
13 shootings, mass shootings that occur in private, 02:47  
14 in home. If that were the case and you have a 02:47  
15 larger body of mass shootings, which Exhibit 81 on 02:47  
16 page 29, as we talked about earlier, the 02:47  
17 Congressional Research Service report indicated 02:47  
18 some 317 mass shootings total versus 66 mass 02:47  
19 public shootings, so if you were to be evaluating 02:48  
20 the 317 instead of the 66 -- 02:48

21 A What page are we on? 02:48

22 MR. ECHEVERRIA: Where are we, Sean? 02:48

23 MR. BRADY: Exhibit 81, Page 29. 02:48

24 Q And the reason I'm using this instead of 02:48  
25 your report is not because the substance doesn't 02:48

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1 necessarily matter, it's the methodology and they 02:48  
2 here quite nicely and concisely segregate 317 mass 02:48  
3 shootings, which are pretty much any shooting 02:48  
4 where four or more people were murdered, versus 02:48  
5 right above that in the first little circle, 66 02:48  
6 incidents of mass public shootings. So there are 02:48  
7 only 66 mass public shootings. Those would be the 02:48  
8 ones you would be evaluating in your report, 02:48  
9 right? I'm asking if you were to evaluate the 02:49  
10 317, which would include private, and it's less 02:49  
11 likely that an assault weapon would be used in the 02:49  
12 private shootings, then wouldn't the percentage of 02:49  
13 assault weapons used in mass shootings from your 02:49  
14 report go down? 02:49  
15 MR. ECHEVERRIA: Objection. Vague. 02:49  
16 A Yeah, I'm not sure I understand that 02:49  
17 question, and I'm not sure I agree with your 02:49  
18 characterization of this report. And as I said, I 02:49  
19 don't have the detail of this report, so I'm not 02:49  
20 sure that I can verify their numbers or I know I 02:49  
21 can't verify their numbers without the detail. 02:50  
22 Q I wasn't asking you to make 02:50  
23 representations whether those numbers are correct 02:50  
24 or not. I was using them as a hypothetical. You 02:50  
25 have one number that's smaller, that is the public 02:50

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1 mass shootings, which is what you evaluated, and 02:50  
2 then you have a larger number, which is all mass 02:50  
3 shootings, which includes those that were done in 02:50  
4 private. So what I'm asking is if the remainder 02:50  
5 of those private mass shootings do not involve 02:50  
6 assault weapons as frequently, then wouldn't the 02:50  
7 -- your overall percentage of assault weapons used 02:50  
8 in mass shootings, all mass shootings, be lower 02:50  
9 than what is in your report? 02:50

10 A I've been asked to focus on the type of 02:50  
11 mass shootings that California is -- 02:51

12 Q And I'm allowed to ask you 02:51  
13 hypotheticals, respectfully. That's what I'm 02:51  
14 trying to do. 02:51

15 A Your question seems to be if I added 02:51  
16 something else and it was lower than what I have, 02:51  
17 would the percent be lower. I think if you add 02:51  
18 something that's lower and take a percent 02:51  
19 including something that's lower, you'll get a 02:51  
20 lower percent. It seems like it's just a -- but 02:51  
21 to say that the -- that that would be less 02:51  
22 meaningful a result or that that would mean less 02:51  
23 is I think the wrong interpretation if this is the 02:51  
24 type of mass shooting that the California ban is 02:51  
25 focused on, and then if in addition there are 02:52

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1 other mass shootings that may also involve assault 02:52  
2 weapons that are also of a concern and that this 02:52  
3 ban could also have an additional effect on that, 02:52  
4 then that would just be an added feature of this 02:52  
5 ban. It wouldn't be a -- I don't think that -- it 02:52  
6 doesn't lessen the effect of the ban. It would 02:52  
7 then add to the potential good effect of the ban. 02:52  
8 Q Okay. Is it possible that the casualty 02:52  
9 count in public mass shootings are higher than 02:52  
10 those in private mass shootings, generally, by 02:52  
11 their very nature as far as the shooter has, more 02:52  
12 likely has specific targets in mind in a private 02:53  
13 shooting versus a public shooting? 02:53  
14 MR. ECHEVERRIA: Objection. Calls for 02:53  
15 speculation. 02:53  
16 A You're saying that in public -- mass 02:53  
17 shootings in public places as opposed to shootings 02:53  
18 in private places, there are more people killed 02:53  
19 because -- 02:53  
20 Q Because the shooter wants to kill as 02:53  
21 many people as possible randomly versus a private 02:53  
22 incident where they may be more likely to have 02:53  
23 targets or specific motives. 02:53  
24 A I don't know. 02:53  
25 MR. ECHEVERRIA: Objection. Calls for 02:53

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1 speculation. 02:53

2 A I don't know about that. I do think I 02:53

3 would be speculating. I will say that in general, 02:53

4 public places have more people than private 02:53

5 places, and you sort of generally think of a 02:54

6 public place as a place where there just are more 02:54

7 people and a private place is where there are 02:54

8 fewer people, so I think it sort of, all things 02:54

9 equal, if you do something in a public place, 02:54

10 there are likely to be more people around, but I 02:54

11 don't have a... 02:54

12 Q That raises an interesting question 02:54

13 actually. Do you know what Mother Jones and 02:54

14 Citizens Crime Commission were considering a 02:54

15 nonpublic place? 02:54

16 MR. ECHEVERRIA: Objection. Compound. 02:54

17 Q Do you know what they omitted, what 02:54

18 Mother Jones omitted from the definition of a 02:54

19 public place? 02:54

20 A I think it's generally in the home. 02:54

21 Q Okay. So if it's a private property, a 02:54

22 business, would that be included or excluded in 02:54

23 your understanding? 02:55

24 A I think if it's in a, you know, a 02:55

25 shopping center, for example, would be like a 02:55

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1 business that that would be included. 02:55

2 Q What about a private business like this? 02:55

3 MR. ECHEVERRIA: Objection. Vague. 02:55

4 A I'm not sure how this is a private 02:55

5 business. This is a publicly traded company. 02:55

6 Q We had to go through security. It's 02:55

7 closed off. A mall is everybody walks in and out, 02:55

8 it's a fairly open space. 02:55

9 A There are schools that have security to 02:55

10 get into and I think those are considered public 02:55

11 places, so I think the distinction is more home 02:55

12 versus non-home. 02:55

13 MR. BRADY: Okay. I think I am done. 02:55

14 We can go off the record. 02:55

15 MR. ECHEVERRIA: No questions here. 02:55

16 VIDEOGRAPHER: We are going off the 02:55

17 record at 2:55 p.m. This concludes

18 today's testimony given by Lucy Allen.

19 The total number of media units used was

20 four and will be retained by

21 Veritext Legal Solutions. Thank you.

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C E R T I F I C A T E

STATE OF NEW YORK )

) ss.

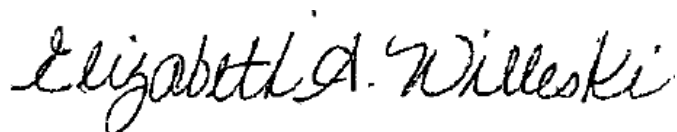
COUNTY OF NEW YORK)

I, ELIZABETH WILLESKI, a Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify:

That LUCY P. ALLEN the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of December 2018.



ELIZABETH A. WILLESKI, COURT REPORTER  
My Commission Expires: May 31, 2020

A C K N O W L E D G E M E N T O F  
D E P O N E N T

STATE OF NEW YORK)

:ss  
COUNTY OF NEW YORK)

I, LUCY P. ALLEN, hereby certify that  
I have read the transcript of my testimony taken  
under oath in my deposition of December 14, 2018;  
that the transcript is a true, complete and  
correct record of what was asked, answered and  
said during this deposition, and that the answers  
on the record as given by me are true and  
correct.

-----  
LUCY P. ALLEN

SUBSCRIBED AND SWORN BEFORE ME  
THIS\_\_DAY OF\_\_\_\_\_, 2019.

-----  
Notary Public  
My Commission Expires:\_\_\_\_\_



[& - ad]

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[add - assault]

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[assault - break]

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[instruction - law]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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## Numbers of Fatalities and Injuries in Public Mass Shootings - Updated<sup>1</sup>

Weapon Used	# of Incidents	Average # of		
		Fatalities	Injuries	Total
Assault Weapon	28	11	28	39
<i>Assault Rifle</i>	26	12	30	41
No Assault Weapon	77	6	5	11
Unknown	4	8	2	10
Large-Cap. Mag.	59	10	17	27
No Large-Cap. Mag.	33	6	3	9
Unknown	17	4	4	8
Assault Weapon & Large-Cap. Mag.	26	12	29	41
<i>Assault Rifle &amp; Large-Cap. Mag.</i>	24	12	32	44
Large-Cap. Mag. only	31	8	8	16
No Assault Weapon or Large-Cap. Mag.	32	6	3	9
Unknown	20	5	4	9

### Notes and Sources:

<sup>1</sup> Casualty figures *exclude* the shooter. LCM classification and casualties updated based on review of stories from Factiva/Google searches. Assault weapon classification updated for news released in November 2018 re incident #7, Yountville Veterans Home.





<https://www.mercurynews.com/2018/11/06/report-pathway-home-shooter-ordered-all-vets-out-before-killing-three-clinicians/>

News > **California News** • News

## **Yountville Veterans Home shooter ordered all vets out of room before executing three clinicians, report says**

By **MATTHIAS GAFNI** | [mgafni@bayareanewsgroup.com](mailto:mgafni@bayareanewsgroup.com) | Bay Area News Group  
PUBLISHED: November 6, 2018 at 4:58 pm | UPDATED: November 7, 2018 at 3:53 pm

YOUNTVILLE — After leaving an apology note with his landlord, Albert Wong walked into the Yountville Veterans Home carrying a loaded 12-gauge shotgun and a .308 caliber semi-automatic rifle with a 20-round magazine. He wore safety glasses and ear protection.

It was shortly after 10 a.m. on March 9 and the 36-year-old Army combat veteran went to the second floor “Group Room,” where a small gathering of Pathway Home staff and residents were enjoying a going-away party. Wong ordered the veterans to exit the room, according to a report issued Tuesday evening by the Napa County District Attorney’s Office. Then, Wong released the staff members, one-by-one, until only three were left: Dr. Jennifer Gonzales Shushereba, who was seven months pregnant; Dr. Jennifer Golick; and Pathway Home Executive Director Christine Loeber.

Within 12 minutes, all three women and Wong would be dead in the mass shooting, despite the efforts of a single Napa County Sheriff’s deputy, the only law enforcement officer who arrived in time.



The report, along with a summary of the incident released by the CHP, provides the most extensive details to date of what happened on March 9 at the bucolic veteran's home and the Pathway Home nonprofit that helps traumatized veterans of Iraq and Afghanistan return to civilian life. The Napa County DA determined Sheriff's Deputy Steven Lombardi was justified in shooting through a door at Wong during a brief, but hellacious firefight.

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The report said Wong killed himself and acted alone in the shooting.

Wong, who drove a rental car to Madison Hall on the Yountville campus, was a former resident who was discharged Feb. 20 due to "his refusals to comply with program policies and treatment plan," according to the report.

"Wong had expressed extreme anger and frustration toward the clinical staff due to many prior disagreements and his recent discharge from the program," the report said.

He previously had made death threats against the three women he targeted.

"These death threats were not generalized; rather, he had specifically (threatened) to kill members of the clinical staff by coming onto the premises and shooting them with a gun," the report said.

Wong carried three extra 20-round magazines in a tactical belt around his waist, along with a dozen shotgun shells. He entered the room at 10:19 a.m. Staff members who were allowed to leave the room called 911 two minutes later reporting: "We have an active shooter."

Deputy Lombardi, a 26-year veteran of the sheriff's office, was on patrol in Yountville and reached the veteran's home in four minutes. Lombardi — who had served as the department's range instructor for almost a decade — had a rifle and two handguns. A staff member flagged him down and directed him to a stairwell to reach the second floor, where Wong had taken hostages.

"Deputy Lombardi refused to allow the Pathway Home employee to accompany him to the second floor because he feared for the employee's safety," the report said. He was the only officer at the facility at that point and was "gravely concerned for the safety of the hostages."

When he reached the second floor Lombardi could not locate the gunman, and began clearing rooms by himself. He reached the "Group Room" and partially pushed open the closed metal door, spotting the suspect holding a rifle. He let go of the door and backed up to take cover, the report said.

“Deputy Lombardi then heard the rifle held by the gunman being racked and the scream of a woman,” the report said. “Deputy Lombardi feared for the safety of the screaming woman and determined he needed to kill the suspect to save her life, stating ‘I didn’t want her to die.’ ”

At 10:31 a.m., Lombardi fired his .223 rifle through the metal door at the last location where he saw the suspect. The suspect began firing back through the door at him and Lombardi returned more fire and retreated to a safe position, according to the report. A photo of the door is attached to the DA’s report, showing about 20 bullet holes in the door and adjacent wall.

Lombardi reloaded his rifle and waited for Wong to exit the room. What he didn’t know then was everyone inside the room was already dead.

Physical evidence at the scene determined that immediately after the shootout with the deputy, Wong executed the three women using his rifle, before killing himself with the shotgun, the report said.

Lombardi fired a total of 13 rounds from his rifle during the 10-second gun battle. Wong fired 22 rounds from his .308 caliber rifle. Autopsies found no bullets fired by Lombardi struck the three women.

Six minutes after the first shot was fired, more officers arrived but the gunfight was over.

Investigators later found an apology by Wong to his landlord, implying he would not return. The DA determined Wong planned the murders. She determined Lombardi’s decision to fire through the door was a “reasonable and lawful response under the totality of the circumstances.”

The final report also included photos of Wong’s rifle and shotgun, along with his ammo belt.

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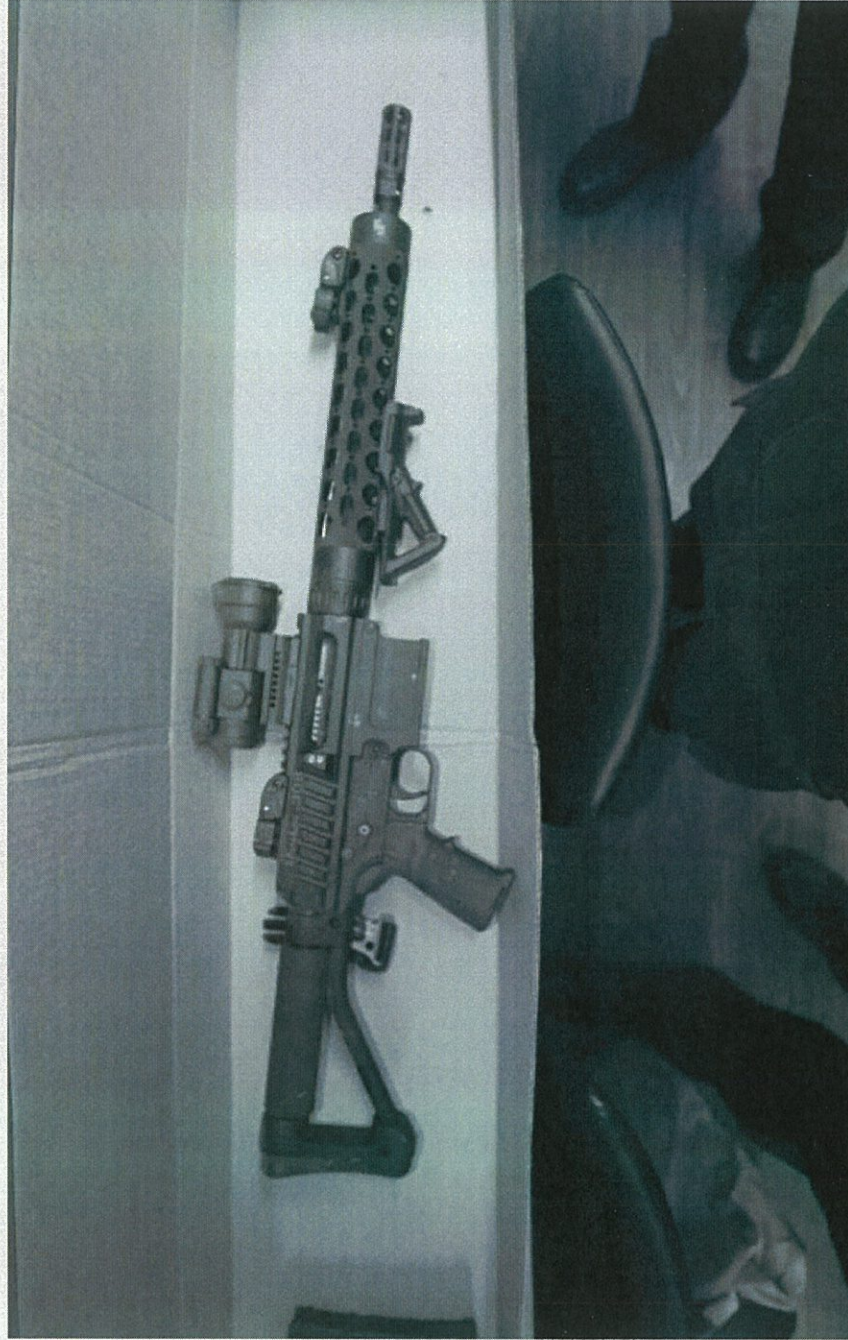
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## Yountville Veterans Home shooter ordered executing three clinicians, report says



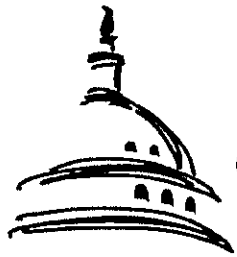
1 of 4

The 308 caliber semi-automatic rifle used by Albert Wong in the deadly Yountville Veterans Home 2018 shooting. Attorney's Office released its final report on the March 9 shooting at the Yountville Veterans Home providing data employees. (Napa County District Attorney, Courtesy)

By **MATTHIAS GAFNI** | mgafni@bayareanewsgroup.com | Bay Area News Group  
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## Mass Murder with Firearms: Incidents and Victims, 1999-2013

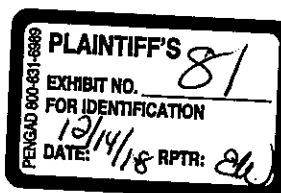
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CRS REPORT  
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## Summary

In the wake of tragedy in Newtown CT, Congress defined “mass killings” as “3 or more killings in a single incident” (P.L. 112-265). Any consideration of new or existing gun laws that follows mass shootings is likely to generate requests for comprehensive data on the prevalence and deadliness of these incidents. Despite the pathos of mass shootings, only a handful of researchers and journalists have analyzed the principal source of homicide data in the United States—the Supplementary Homicide Reports (SHR) compiled by the Federal Bureau of Investigation (FBI)—to determine whether those incidents have become more prevalent and deadly.

According to the FBI, the term “mass murder” has been defined generally as a multiple homicide incident in which four or more victims are murdered, within one event, and in one or more locations in close geographical proximity. Based on this definition, for the purposes of this report, “mass shooting” is defined as a multiple homicide incident in which four or more victims are murdered with firearms, within one event, and in one or more locations in close proximity. Similarly, a “mass public shooting” is defined to mean a multiple homicide incident in which four or more victims are murdered with firearms, within one event, in at least one or more public locations, such as, a workplace, school, restaurant, house of worship, neighborhood, or other public setting.

This report analyzes mass shootings for a 15-year period (1999-2013). CRS analysis of the FBI SHR dataset and other research indicates that offenders committed at least 317 mass shootings, murdered 1,554 victims, and nonfatally wounded another 441 victims entirely with firearms during that 15-year period. The prevalence of mass shooting incidents and victim counts fluctuated sporadically from year to year. For the period 2007-2013, the annual averages for both incidents and victim counts were slightly higher than the years from 1999-2007.

With data provided by criminologist Grant Duwe, CRS also compiled a 44-year (1970-2013) dataset of firearms-related mass murders that could arguably be characterized as “mass public shootings.” These data show that there were on average:

- one (1.1) incident per year during the 1970s (5.5 victims murdered, 2.0 wounded per incident),
- nearly three (2.7) incidents per year during the 1980s (6.1 victims murdered, 5.3 wounded per incident),
- four (4.0) incidents per year during the 1990s (5.6 victims murdered, 5.5 wounded per incident),
- four (4.1) incidents per year during the 2000s (6.4 victims murdered, 4.0 wounded per incident), and
- four (4.5) incidents per year from 2010 through 2013 (7.4 victims murdered, 6.3 wounded per incident).

These decade-long averages suggest that the prevalence, if not the deadliness, of “mass public shootings” increased in the 1970s and 1980s, and continued to increase, but not as steeply, during the 1990s, 2000s, and first four years of the 2010s.

Mass shootings are arguably one of the worst manifestations of gun violence. As discussed in this report, statute, media outlets, gun control and rights advocates, law enforcement agencies, and

researchers often adopt different definitions of “mass killing,” “mass murder,” and “mass shooting,” contributing to a welter of claims and counter-claims about the prevalence and deadliness of mass shootings. With improved data, policymakers would arguably have additional vantage points from which to assess the legislative proposals that are inevitably made in the wake of these tragedies.

Toward these ends, Congress could consider directing one or several federal agencies, including but not limited to the FBI and BJS, to improve collection of data on multiple-victim homicides. Congress could also direct federal agencies, possibly the Bureau of Alcohol, Tobacco, Firearms and Explosives, to report annually on firearms-related mass murders, including data on (1) offender acquisition of firearms, (2) types of firearms used, (3) amounts and types of ammunition carried and shots fired, (4) killed and wounded counts, (5) offender histories of mental illness and domestic violence, and (6) victim-offender relationships.

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## Introduction

Mass murders committed with firearms—particularly those incidents that occur in workplaces, schools, restaurants, houses of worship, and other public spaces—cause people to feel anxious and vulnerable,<sup>1</sup> as the recent Charleston, SC,<sup>2</sup> and Chattanooga, TN,<sup>3</sup> tragedies demonstrate. Several such mass murders in 2012, seven incidents by most counts, compounded a fear among many people that “this could happen to me.”<sup>4</sup> This rash of shootings prompted media outlets, gun control advocacy groups, and law enforcement agencies to question whether such incidents were becoming more prevalent and deadly,<sup>5</sup> or had possibly reached “epidemic” proportions.<sup>6</sup> Toward those ends, some of these groups amassed compilations of multiple victim homicides, but their methodologies often differed substantially, and their focus and findings were sometimes quite different.<sup>7</sup> A handful of researchers who have studied mass murder have utilized official crime data to compile comprehensive datasets of multiple victim homicides and mass murders.<sup>8</sup> The

<sup>1</sup> According to one nationwide survey of adults, Americans’ top fears include (1) walking alone at night, (2) becoming the victim of identity theft, (3) various risks of using the Internet, (4) being the victim of a mass/random shooting, and (5) public speaking. See Jerry Lange, “When Fear Outweighs Reality,” *Seattle Times*, October 23, 2014.

<sup>2</sup> On June 17, 2015, a lone white offender entered the Emanuel African Methodist Episcopal Church in Charleston, SC, and murdered nine Black parishioners with a handgun, reportedly a .45 caliber semiautomatic pistol. He carried eight detachable magazines, with which he reloaded several times. The alleged offender is 21 years old. He has been indicted federally under hate crime statutes. Mark Berman, “Roof Indicted on Federal Hate-Crime Charges,” *Washington Post*, July 23, 2015, p. A3. Jeremy Borden, Sari Horwitz, and Jerry Markon, “Man Arrested in Charleston Killings: The Suspect, A Young Life That Had Quietly Drifted Off Track,” *Washington Post*, June 19, 2015, p. A1, A12.

<sup>3</sup> On July 16, 2015, a lone offender fired more than 50 shots into a U.S. Armed Forces recruiting center in Chattanooga, TN. He then drove to a U.S. Navy Operational Support Center and shot to death four Marines and fatally wounded a Sailor. He also nonfatally wounded another Marine and a police officer. The offender was 24-years old. He was armed with an AK-74. Police recovered a Saiga 12-gauge pistol grip shotgun from his rental car. He was reportedly shot to death by police, who were attempting stop and arrest him. Police recovered two other pistols that were privately owned and possibly carried by two of the Marines. It is possible that the Marines exchanged fire with the offender, but it is unclear whether they hit the offender and preliminary reports have ruled out any friendly fire casualties among the victims. According to the Federal Bureau of Investigation, the incident is being investigated as a case of “home-grown violent extremism.” Adam Goldman, “Gunman Worked Methodically, FBI Says of Attack,” *Washington Post*, July 23, 2015, p. A3. Thomas Gibbons Neff and Adam Goldman, “Marine Slain in Tenn. May Have Returned Fire,” *Washington Post*, July 21, 2015, p. A02.

<sup>4</sup> Grant Duwe quoted by Charles Lewis, “Mass Public Killing Under 1% of All Murders; More Media Coverage,” *National Post* (formerly known as *The Financial Post*) (Canada), July 21, 2012, p. A4.

<sup>5</sup> Mark Follman, Gavin Aronsen, and Deanna Pan, “A Guide to Mass Shootings in America,” *Mother Jones*, July 20, 2012, <http://www.motherjones.com/politics/2012/07/mass-shootings-map>. Hereinafter cited as “A Guide to Mass Shootings in America,” *Mother Jones*. It is noteworthy that Mayors Against Illegal Guns (MAIG; today, Everytown for Gun Safety) released a mass shootings dataset of its own, which included family mass murders/shootings that occurred in both public and private locations. Brad Plumer, “Study: The U.S. Has Had One Mass Shooting per Month Since 2009,” *Washington Post*, February 2, 2013.

<sup>6</sup> Mark Follman, “America Is Facing a Mass-Shooting Epidemic,” *The Chronicle* (Willimantic, CT), Oct. 27, 2014, p. 05. Also, see Megan McArdle, “Department of Awful Statistics: Are Mass Shootings Really on the Rise?,” *Daily Beast*, January 28, 2013, <http://www.thedailybeast.com/articles/2013/01/28/departments-of-awful-statistics-are-mass-shootings-really-on-the-rise.html>.

<sup>7</sup> Lin Huff-Corzine, James C. McCutcheon, Jay Corzine, John P. Jarvis, Melissa J. Tetzlaff-Bemiller, Mindy Weller, and Matt Landon, “Shooting for Accuracy: Comparing Data Sources on Mass Murder,” *Homicide Studies*, vol. 18(1), 2014, p. 106.

<sup>8</sup> *Ibid.*

analysis in this report builds upon the latter work and scholarship,<sup>9</sup> as well as the compilations described above.

### Key Takeaways of This Report

- For 15 years (1999-2013), the United States has seen about 31 mass murders per year on average that resulted in four or more persons being murdered in a single incident. Of those incidents, CRS has confirmed that 21 per year on average were committed entirely with firearms.
- Of those mass murders with firearms, 4.4 per year on average were mass public shootings that occurred in one or more public locations, such as a workplace, school, restaurant, house of worship, neighborhood, or other public setting.
- For the same 15 years, the United States has seen about 8.5 familicide mass shootings per year on average, in which offenders typically murdered their domestic partners and children in private residences or secluded, sparsely populated settings, and 8.3 other felony mass shootings per year on average, in which offenders committed murders as part of some other underlying criminal activity (robbery, insurance fraud, or criminal competition) or commonplace circumstance (argument).
- Since the 2012 Newtown, CT, tragedy, the national dialogue on gun violence has been focused on mass public shootings, partly due to several such shootings in recent years (2007, 2009, and 2012) that resulted in double-digit victim counts.
- Based on five-year annual averages, the United States saw an uptick in the prevalence and deadliness of mass public shootings for the last five years (2009-2013). However, those increases were largely driven by a few incidents in 2012. If 2012 were excluded, the averages would actually have been lower than the preceding five-year period (2004-2008).
- For 44 years (1970-2013), the prevalence of mass public shootings has increased: 1.1 incidents per year on average in the 1970s, 2.7 in the 1980s, 4.0 in the 1990s, 4.1 in the 2000s, and 4.5 in the first four years of the 2010s.
- Generalizations about offenders who commit mass public shootings are often carried over and applied to other offenders, who commit mass shootings under different circumstances. The three broad patterns of firearms-related mass murders identified in this report—public, familicide, and other felony—present different, but sometimes overlapping, sets of issues and challenges.

What is “mass murder” with firearms? According to the Federal Bureau of Investigation (FBI) criminal profilers, the term “mass murder” has been defined generally as a multiple homicide incident in which four or more victims are murdered—not including the offender(s)—within one event, and in one or more geographical locations relatively near one another.<sup>10</sup> It follows then that a “mass shooting” could be defined as a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and in one or more locations relatively near one another. Similarly, a “mass public shooting” could be, and has been,

<sup>9</sup> James Alan Fox and Jack Levin, *Extreme Killing: Understanding Serial and Mass Murder*, 3<sup>rd</sup> ed., Sage Publications, Inc. 2014, 344 pp. Hereinafter cited as “Fox and Levin, *Extreme Killing*, 2011”; Grant Duwe, *Mass Murder in the United States: A History*, McFarland 2007, p. 27. Hereinafter cited as Grant Duwe, *Mass Murder in the United States: A History*, 2007; and U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Homicide in the U.S. Known to Law Enforcement*, 2011, December 2013, NCJ 243055, by Erica L. Smith and Alexia Cooper, p. 14.

<sup>10</sup> John E. Douglas, Ann W. Burgess, Allen G. Burgess, and Robert K. Ressler, *Crime Classification Manual: A Standard System for Investigating and Classifying Violent Crime*, 2<sup>nd</sup> ed., Jossey-Bass 2006, p. 13. Hereinafter cited as Douglas, Burgess, Burgess, and Ressler, *Crime Classification Manual*, 2006; U.S. Department of Justice, Federal Bureau of Investigation, National Center for the Analysis of Violent Crime, Behavioral Analysis Unit, *Serial Murder: Multi-Disciplinary Perspectives for Investigators* (July 2008), p. 8, <http://www.fbi.gov/stats-services/publications/serial-murder/serial-murder-july-2008-pdf>. Hereinafter referred to as Federal Bureau of Investigation, *Serial Murder: Multi-Disciplinary Perspectives for Investigators* (July 2008); and Lin Huff-Corzine, et al., “Shooting for Accuracy: Comparing Data Sources on Mass Murder,” *Homicide Studies*, vol. 18(1), 2014, p. 106.



defined to mean a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, in one or more public locations, such as a workplace, school, restaurant, house of worship, neighborhood, or other public setting.<sup>11</sup>

The FBI profilers, notably, did not specifically address whether mass murder involved a single or multiple offenders, although in a majority of cases, mass murders involve a single offender. According to FBI profilers, a “classic mass murder” involves one person operating in one location at one period of time. They also noted “family mass murder” or “familicide” as a distinct form of mass murder. If a murderer (offender) committed suicide, the incident was labeled a murder-suicide. In this report, the definitions of three, overarching mass shooting patterns—mass public shooting, familicide mass shooting, and other felony mass shooting—mirror guidance provided by FBI profilers and other prominent criminologists. Under these definitions, offenders are not counted as victims.<sup>12</sup>

Mass shootings typically renew calls for passage of gun control legislation.<sup>13</sup> In response to the 2007 Virginia Tech massacre, for example, Congress passed the NICS Improvement Amendments Act of 2007 (P.L. 110-180), which addressed improving both federal and state electronic recordkeeping on persons ineligible to possess firearms under federal law due to past histories of mental illness or domestic violence. In response to the Newtown, CT, tragedy, the Senate considered gun control proposals, including amendments to P.L. 110-180, but tabled that legislation when a consensus could not be achieved.<sup>14</sup> In the House, similar proposals were introduced, but they were not considered in committee, nor did they reach the House floor for general debate.

Any mass shootings and subsequent calls to amend gun control laws will likely generate requests for comprehensive data on the prevalence and deadliness of these incidents. To these ends, this report provides data and analysis on mass shootings, that is, mass murders committed entirely with firearms, for a 15-year period (1999-2013) and mass public shootings for the 44-year period (1970-2013).<sup>15</sup> These datasets could possibly provide policymakers with additional vantage points from which to evaluate legislative gun control proposals that are often offered in the wake of particularly deadly mass public shootings.

<sup>11</sup> The term “mass public shooting” has been used by several researchers and commentators, but with different meanings and victim thresholds. Grant Duwe arguably first conclusively demonstrated that “mass public shootings,” as a pattern of homicidal behavior, increased in frequency during the 1970s, 1980s, and 1990s, in his book, *Mass Murder in the United States: A History*, 2007, p. 27.

<sup>12</sup> Out of 317 incidents of mass shootings from 1999 through 2013, CRS found one incident in which a mass murderer was killed by a civilian in a justifiable homicide with a firearm.

<sup>13</sup> For example, within a week of the August 1, 1966, University of Texas, Austin, tower shooting, President Lyndon B. Johnson called on Congress to pass gun control legislation. See Gary M. Laverne, *A Sniper in the Tower: The Charles Whitman Murders*, University of North Texas Press 1997, p. 268. See also Fox and Levin, *Extreme Killing*, 2014, pp. 287-293.

<sup>14</sup> See CRS Report R42987, *Gun Control Legislation in the 113<sup>th</sup> Congress*, by William J. Krouse, for discussion and analysis of legislation considered in response to the December 2012 Newtown, CT, mass shooting.

<sup>15</sup> This report complements an April 2013 CRS report that focused on federal public health and safety implications associated with “public mass shootings.” The current CRS report, however, adopts a slightly different definition of “mass shootings” that occur in public places that does not exclude incidents that can be attributed to terrorism or hate crime. The earlier report’s definition of “public mass shooting” excluded such incidents, because the motives of offenders in those cases could be viewed as a “means to an end,” the intimidation of some larger group of people, as opposed to “indiscriminate killing.” See CRS Report R43004, *Public Mass Shootings in the United States: Selected Implications for Federal Public Health and Safety Policy*, coordinated by Jerome P. Bjelopera.

## What Constitutes Mass Killings, Multiple Murder, Mass Murder, and Mass Shootings?

In the wake of tragedy in 2012 in Newtown, CT, Congress defined “mass killings” to mean “3 or more killings in a single incident” (P.L. 112-265; January 14, 2013). That definition does not make reference to a weapon.<sup>16</sup>

In the 1980s, the FBI established a system to classify multiple murder, mass murder, spree murder, and serial murder.<sup>17</sup> These efforts were led by the FBI Behavioral Science Unit (BSU)<sup>18</sup> and National Center for the Analysis of Violent Crime (NCAVC).<sup>19</sup> Both the BSU and NCAVC began documenting and studying multiple rapists and killers, as part of a wider process to research and analyze violent crime trends.<sup>20</sup> According to several criminologists, some of whom are retired FBI Special Agents previously assigned to the BSU, crimes can be classified by type, style, and victim counts.<sup>21</sup> Homicides, for example, have been traditionally classified by victim counts (or thresholds) as follows:<sup>22</sup>

*A single homicide* is one victim slain in one event.

*A double homicide* is two victims slain, in one event, in one location.

*A triple homicide* is three victims slain, in one event, in one location.

*A mass murder* is four or more victims slain, in one event, in one location.<sup>23</sup>

<sup>16</sup> Based on data provided to CRS by the Bureau of Justice Statistics, which are presented in **Appendix A** of this report, it can be extrapolated that the United States saw about 116 triple or greater homicide incidents per year on average from 1999 through 2011. Of those incidents, about 84 incidents were triple homicides and 32 were quadruple or greater homicides.

<sup>17</sup> Fox and Levin, *Extreme Killing*, 2014, p. 23.

<sup>18</sup> The BSU was established at the FBI in May 1972, as part of the FBI Academy. Through the BSU, the FBI trained and provided assistance to federal, state, and local law enforcement agencies in analyzing crimes, especially unsolved serial rape and murder cases. See Don DeNevi and John H. Campbell, *Into the Minds of Madmen: How the FBI's Behavioral Science Unit Revolutionized Crime Investigation* (2004), p. 79.

<sup>19</sup> The BSU-administered NCAVC was established at the FBI in 1984. In January 1986 the BSU was split into the Behavioral Science and Instruction and Research Unit (BSIRU) and the Behavioral Science Investigative Support Unit (BSISU). The former was charged with the traditional training mission of the BSU, as well as the research and development and training programs of the NCAVC. The latter was charged with offender profiling and consultative support and the Violent Criminal Apprehension Program (VICAP). See Robert K. Ressler, Ann W. Burgess, and John E. Douglas, *Sexual Homicide: Patterns and Motives* (1988), p. 102. Hereinafter referred to as Ressler, Burgess, and Douglas, *Sexual Homicide* (1988).

<sup>20</sup> *Ibid.*, p. 236.

<sup>21</sup> *Ibid.*, p. 138.

<sup>22</sup> Douglas, Burgess, Burgess, and Ressler, *Crime Classification Manual*, 2006, pp. 12-13.

<sup>23</sup> In a 2008 report on “serial murder,” the FBI National Center for the Analysis of Violent Crime and Behavioral Sciences Unit summarized a common understanding of the nature of “mass murder” that was held by many of the attendees at a 2005 national crime symposium:

Generally, mass murder was described as a number of murders (four or more) occurring during the same incident, with no distinctive time period between the murders. These events typically involved a single location, where the killer murdered a number of victims in an ongoing incident (e.g. the 1984 San Ysidro McDonalds incident in San Diego, California; the 1991 Luby's (continued...))

A *spree murder* is two or more murder victims slain, in one event, in two or more locations, without the offender “cooling-off” emotionally between murders. The event, however, can be of short or long duration.

A *serial murder* is three or more separate homicidal events, with the offender cooling-off emotionally between homicidal events.<sup>24</sup>

In the view of FBI criminal profilers, a four-murder victim threshold constituted a “massacre.”<sup>25</sup> And, in this report, an offender is not included in the mass shooting victim counts, if he committed suicide, or was killed in a justifiable homicide.

In the *Crime Classification Manual*, FBI criminal profilers discuss two basic mass murder prototypes: “classic mass murder” and “family mass murder.” A classic mass murder commonly involves “a mentally disordered individual” whose problems have increased to the point that he acts out against groups of people who are unrelated to him or his problems.<sup>26</sup> The FBI criminal profilers pointed to the 1966 University of Texas, Austin, mass shooting as an example of a classic mass murder.<sup>27</sup> Sometimes, but not always, offenders in mass public shootings, which are discussed in this report, possibly fit this prototype. The FBI criminal profilers noted further that a classic mass murder event could last minutes, hours, or days.<sup>28</sup>

In addition, FBI criminal profilers identified family mass murder as a mass murder prototype, in which an offender murders four or more family members in one event and in one location.<sup>29</sup> Similarly, “familicide” is a term used to describe the murder of multiple family members, most commonly the murder of an intimate partner and children.<sup>30</sup>

These definitions with four victim thresholds, however, are not without limitations. For example, they do not capture mass murders in which three victims were shot to death, but additional victims were killed by means other than firearms.<sup>31</sup> Nor do such definitions capture murders in

(...continued)

Restaurant massacre in Killeen, Texas; and the 2007 Virginia Tech murders in Blacksburg, Virginia).

See U.S. Department of Justice, Federal Bureau of Investigation, National Center for the Analysis of Violent Crime, Behavioral Analysis Unit, *Serial Murder: Multi-Disciplinary Perspectives for Investigators* (July 2008), p. 8, <http://www.fbi.gov/stats-services/publications/serial-murder/serial-murder-july-2008-pdf>. Hereinafter referred to as Federal Bureau of Investigation, *Serial Murder: Multi-Disciplinary Perspectives for Investigators* (July 2008).

<sup>24</sup> Ibid, pp. 138-139. In the Protection of Children from Sexual Predator Act of 1998 (P.L. 105-314; October 30, 1998; 112 Stat. 2974, 2987), Congress defined “serial killings” to mean “a series of three or more killings, not less than one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors” (28 U.S.C. §540B(b)(2)). This provision authorizes the Attorney General and the FBI Director to investigate serial killings in violation of the laws of a state or political subdivision, if such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense (see 28 U.S.C. §540B(a)).

<sup>25</sup> Fox and Levin, *Extreme Killing*, 2014, p. 23.

<sup>26</sup> Douglas, Burgess, Burgess, and Ressler, *Crime Classification Manual*, 2006, p. 113.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Marieke Liem, Jack Levin, Curtis Holland, and James A. Fox, “The Nature and Prevalence of Familicide in the United States, 2000-2009,” *Journal of Family Violence*, vol. 28, 2013, p. 351.

<sup>31</sup> On May 23, 2014, an offender murdered six people in Isla Vista, CA. He stabbed three victims, and shot three more (continued...)

which fewer than four victims were shot to death, but several victims were wounded, sometimes seriously.

It is also noteworthy that these FBI classifications of multiple homicides—double, triple, mass, spree, and serial—were largely conceptualized to aid law enforcement in investigations through criminal profiling and not for statistical data collection purposes.<sup>32</sup> When the cases of individual offenders are evaluated, there sometimes exists potential for overlap among these classifications, particularly for mass and spree murders, and less so for mass and serial murders.<sup>33</sup> Consequently, for statistical purposes, these classifications are not always mutually exclusive, which in some cases can present difficulties for researchers and can result in different judgments and varying findings with regard to the frequency and deadliness of these incidents.

According to one journal article, in 2010 the FBI adopted a revised definition of *mass murder*, that is, *murderous events resulting in at least four deaths normally taking place at one or more geographical locations relatively near one another*.<sup>34</sup> This revised definition indicates that the potential overlap between mass and spree murders is an issue that has been addressed. As demonstrated below, the definitions used in this report of three, overarching mass shooting patterns—mass public shooting, familicide mass shooting, and other felony mass shooting—mirror in part concepts and definitions developed by FBI profilers.

Notwithstanding FBI guidance, gun control and rights advocates, media outlets, law enforcement agencies, and academic researchers often adopt quite different definitions of “mass murder,” “mass shootings,” and “mass public shootings.”<sup>35</sup> As a result, their findings often vary.

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(...continued)

victims to death, before committing suicide by shooting himself. He shot and wounded at least two others and injured 11. He reportedly carried three semiautomatic pistols equipped with multiple ten-round magazines, all of which he had legally acquired under both federal and California state law. About a month prior to the shootings, he had exhibited disturbing online behavior that prompted his parents to call the police. However, when the police stopped by his apartment on a “welfare” stop, he was able to convince them reportedly that he was “depressed,” but posed no threat to anyone. He reportedly recognized that encounter with the police was a close call, for he had already purchased the three handguns and had already written a misogynistic diatribe outlining his plan to seek retribution against those who had allegedly mistreated and disrespected him. For further information, see Santa Barbara County Sheriff’s Office, *Isla Vista Mass Murder*, May 23, 2014, *Investigative Summary*, February 18, 2015, 68 pp.

<sup>32</sup> Robert K. Ressler, Ann W. Burgess, and John E. Douglas, *Sexual Homicide: Patterns and Motives* (1988), p. 140.

<sup>33</sup> For example, spree murderers have killed four or more persons at a single location, as well as additional victims at other locations. Thus, those spree murderers could also be classified as mass murderers, but only for that incident. And some spree murderers have killed four or more people at two or more locations within a single municipality or county within a time frame of comparatively short duration, such as less than 24 hours. These spree murderers could also be classified as mass murderers, if the two or more murder locations were comparatively close in proximity and, thus, could possibly be considered one location, and the murders a single incident. In October 2002, two offenders shot to death 10 victims and wounded 3 others in several incidents in the greater Washington, DC, area. On October 3, 2002, during a 14-hour period, however, they shot five of those victims to death from several concealed positions within Montgomery County, MD, and Washington, DC. For the purpose of this report, the murders on October 3, 2002, are considered a single mass public shooting. Out of 66 mass public shootings from 1999 to 2013, in addition to the April 20, 1999, Columbine, CO, mass shooting, the October 3, 2002, Washington, DC, area sniper (mass) shooting was the only other incident that involved more than one offender.

<sup>34</sup> Lin Huff-Corzine, et al., “Shooting for Accuracy: Comparing Data Sources on Mass Murder,” *Homicide Studies*, vol. 18(1), 2014, p. 113.

<sup>35</sup> For example, one researcher defined a “mass public shooting” to be any incident that “occurred in a public place and involved two or more people either killed or injured by the shooting.” See John R. Lott, Jr., *More Guns, Less Crime: Understanding Crime and Gun Control Laws* (University of Chicago Press, 2000), p. 100. Other researchers defined “mass shooting” to include any incident where three or more people are killed or injured. See Brady Campaign to (continued...)

Nevertheless, the four-victim threshold and other elements of the above definitions reflect a synthesis arguably of the most conclusive, academically rigorous research available on “mass murder.” That research is discussed immediately below.

## Mass Murder Counts Based on FBI Supplementary Homicide Reports

Despite the public trauma and outcry generated by mass public shootings, there is a dearth of comprehensive, authoritative data on multiple-victim homicide incidents, either committed wholly or partially with firearms. A handful of criminologists, statisticians, sociologists, and other researchers have analyzed the principal source of national homicide statistics that is compiled by the Department of Justice (DOJ) annually, as part of the FBI’s Uniform Crime Reports and Supplementary Homicide Reports (UCR-SHR).<sup>36</sup> From their analyses, the following observations and extrapolations can be made:

- DOJ’s Bureau of Justice Statistics (BJS) *estimated* that there were 987 four or more victim homicide incidents from 1980 to 2011, or an average 31 per year.<sup>37</sup> However, while the bulk of those incidents were mass murders, it is probable that some of those incidents were serial murders committed over extended time periods, or spree murders that lasted longer than roughly 24 hours.<sup>38</sup> For that 31-year period, four or more victim homicides incidents accounted for 0.19% of all murders and nonnegligent manslaughter incidents and 0.87% of all victims who perished in those incidents.<sup>39</sup>
- James Alan Fox and Jack Levin *estimated* that there were 927 mass murders, resulting in the deaths of four or more victims, from 1976 to 2011, or an average of 26 incidents per year, involving 4,330 victims.<sup>40</sup>
- Grant Duwe *found* that there were at least 649 mass murders, resulting in the deaths of four or more victims, from 1976 to 1999, or an average of 27 per year,

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(...continued)

Prevent Gun Violence, *Mass Shootings in the United States Since 2005*, last updated December 14, 2012, <http://www.bradycampaign.org/sites/default/files/major-shootings.pdf>.

<sup>36</sup> The FBI began collecting monthly crime reports from city, county, and state law enforcement agencies in 1930. Today, as part of the UCR program, the FBI collects incident, victim, property, offender, and arrestee data for 22 crime categories. In 1976, the FBI began collecting SHRs to capture greater data on homicides, including the method of murder. For a discussion of “Data for Measuring Firearms Violence and Ownership,” see National Research Council, *Firearms and Violence: A Critical Review*, National Academies Press, 2005, p. 26. For a more in-depth discussion of the data, see James Alan Fox, *Uniform Crime Reports (United States): Supplementary Homicide Reports, 1976-2002*, Ann Arbor, MI: Inter-University Consortium of Political and Social Research, 2005, <http://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/4179>.

<sup>37</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Homicide in the U.S. Known to Law Enforcement*, 2011, December 2013, NCJ 243055, by Erica L. Smith and Alexia Cooper, p. 14.

<sup>38</sup> Some researchers have chosen to categorize spree murders that occur within a 24-hour window as “mass murders,” or “mass/spree murders.” See Hannah Scott and Katie Fleming, “The Female Family Annihilator: An Exploratory Study,” *Homicide Studies*, vol. 18(1), 2013, p. 63.

<sup>39</sup> Ibid.

<sup>40</sup> Fox and Levin, *Extreme Killing*, 2014, p. 163.



and 5.22 murder victims per incident.<sup>41</sup> Of those mass murders, firearms were used in 69% of the incidents, from which it could be extrapolated that about 448 of the 649 mass murder incidents were mass public shootings, or an average per year of 18.7 mass shootings. Duwe not only analyzed the FBI SHR data, but he *verified* that all the homicidal incidents reported to the FBI were recorded properly by state and local law enforcement agencies on the SHR form as multiple victim homicides.<sup>42</sup> He also supplemented his dataset with incidents not reported to the FBI, but reported in the press. In January 2013, Duwe provided the *Washington Post* with updated and slightly revised estimates of mass public shootings. On average annually, Duwe's data show that there were:

- 1.3 mass public shootings per year in the 1970s,
- 3.2 per year in the 1980s, and
- 4.2 per year in the 1990s.<sup>43</sup>
- According to *USA Today*, offenders committed roughly 242 mass murders, resulting in the deaths of four or more victims, from 2006 to 2013, or an average of 30.3 incidents per year, and 4.98 victims per incident. Mass shootings accounted for 21.5 incidents per year with 5.1 victims per incident. Another 1.25 mass murder incidents per year involved at least some firearms and resulted in 4.8 victims per incident. The remaining 7.5 mass murder incidents per year resulted in 4.3 victims per incident and did not involve firearms (for a small percentage of incidents (2.1%), the murder weapons were unknown).<sup>44</sup>

In the homicide incidents mentioned above, which resulted in the deaths of four or more victims, BJS, Fox and Levin, Duwe, and *USA Today* found that offenders used firearms to kill victims more often than any other means to murder people. A more detailed summation of their findings can be found in **Appendix A**.

## CRS Methodology and Patterns of Mass Murder and Mass Shootings

For this report, CRS has gathered and analyzed data on mass shootings for the 15-year period 1999 to 2013. Drawing on the work of James Alan Fox and Jack Levin, Grant Duwe, and Meghan Hoyer (and colleagues at *USA Today*), CRS took the following steps:

- analyzed the FBI SHR data, the nation's primary data source on murder and nonnegligent manslaughter in the United States;

<sup>41</sup> Grant Duwe, *Mass Murder in the United States: A History*, 2007, p. 23.

<sup>42</sup> In some instances, several individual homicides were misreported on the same SHR form as multiple victim homicides. In other instances, wounded victims are reported as murdered, making double and triple homicides appear to be quadruple or greater homicides.

<sup>43</sup> See Glenn Kessler, "Clinton's Gun Remark Is off the Mark," *Washington Post*, January 13, 2013, p. A02.

<sup>44</sup> "Explore the Data on U.S. Mass Killings Since 2006," *USA Today*, <http://www.usatoday.com/story/news/nation/2013/09/16/mass-killings-data-map/2820423/>.

- verified the mass murders reported to the FBI by checking press accounts and, when needed, consulted with the reporting police agencies themselves;
- cross-referenced this data with mass murders with firearms lists compiled by advocacy groups, media outlets, and law enforcement agencies;
- supplemented the SHR data with mass shootings reported in the press, but not reported to the FBI or previously compiled by other researchers;
- evaluated every incident based on victim-offender relationships, incident locations, and other pertinent event characteristics and circumstances; and
- found three broad patterns of mass shootings that could provide policymakers with improved vantage points from which to evaluate gun control proposals.

When it comes to mass murder with firearms, mass shootings in public places have dominated the national dialogue about gun violence, partly due to several mass public shootings in recent years (2007, 2009, and 2012) that resulted in double-digit victim counts. While others have used the term, Grant Duwe first conceptualized the idea of a mass public shooting as a “pattern” or “form” of mass murder in his book, *Mass Murder in the United States: A History* (2007) as it is most commonly understood today.<sup>45</sup> Duwe observed:

The mass murders that often capture the public’s imagination are those in which an offender publically guns down victims for no apparent rhyme or reason. Of the 250 incidents that took place from 1900 through 1999, 191 involved offenders who used firearms. Excluding those that occurred in connection with criminal activity such as robbery, drug dealing, and organized crime, there were 116 mass public shootings during the twentieth century.<sup>46</sup>

Duwe defined mass public shooting as “any incident in which four or more victims are killed publicly in a workplace, school, restaurant, or other public place with guns and within 24 hours.”<sup>47</sup>

As noted above, according to the *Crime Classification Manual*,<sup>48</sup> there are two basic types, or categories, of mass murder. There are “classic mass murders” and “family mass murders.” A “classic mass murder” is generally thought to involve one person operating in one location during one period of time, which could be minutes, hours, or even days. “The classic mass murder prototype is a mentally disordered individual whose problems have increased to the point that he acts out against groups of people who are unrelated to him or his problems.”<sup>49</sup> This profile sometimes, but not always, fits the profile of offenders involved in mass public shootings.

A “familicide” mass murder is generally agreed to involve an offender who kills four or more family members, most commonly a spouse or intimate partner and children. In this report, mass shootings involving the murder of family members by non-family members *are not* characterized as familicides. As demonstrated below, offenders in mass public shootings and familicide mass shootings often share some of the same attributes. For example, in mass public shootings and

<sup>45</sup> Grant Duwe, *Mass Murder in the United States: A History*, 2007, p. 27.

<sup>46</sup> Ibid.

<sup>47</sup> See Glenn Kessler, “Clinton’s Gun Remark Is off the Mark,” *Washington Post*, January 13, 2013, p. A02.

<sup>48</sup> Douglas, Burgess, Burgess, and Ressler, *Crime Classification Manual*, 2006, p. 13.

<sup>49</sup> Ibid.

familicide mass shootings, nearly all the offenders were lone assailants. Over half of the offenders in either type of mass murder committed suicide or were killed by responding police, when they resisted arrest. In many cases, the offenders had little or no practical expectation of escape.

When data on mass shootings were disaggregated, however, some mass shootings did not fit cleanly into either the classic mass murder or family mass murder pattern. A large percentage of these mass murders included gangland executions, drug-related home invasions and robberies, botched holdups, and other crimes. Others were arguments, romantic triangles, or barroom brawls that escalated into shootouts. In other words, some, but not all, of the mass shootings could be attributed to some other underlying felonious criminal activity or commonplace circumstance. These mass shooting incidents more frequently involved multiple offenders. While these offenders might not have considered the long-term implications of their crimes, they usually held out at least some expectation that they would not be discovered, arrested, and held accountable for their crimes.

Based on FBI guidance in part, Duwe, and others, CRS adopted the following parallel definitions for patterns of “mass murder” committed entirely with firearms:

- “mass shooting” means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and in one or more locations in close geographical proximity;
- “mass public shooting” means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and at least some of the murders occurred in a public location or locations in close geographical proximity (e.g., a workplace, school, restaurant, or other public settings), and the murders *are not* attributable to any other underlying criminal activity or commonplace circumstance (armed robbery, criminal competition, insurance fraud, argument, or romantic triangle);
- “familicide mass shooting” means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and a majority of the victims were members of the offender’s immediate or extended family, the majority of whom were murdered in one or more private residences or secluded, sparsely populated settings in close geographical proximity, and the murders are not attributable to any other underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle); and
- “other felony mass shooting” means a multiple victim homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, in one or more locations in close geographical proximity, and the murders *are* attributable to some other underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

For the purposes of this report, CRS has chosen not to include any timeframe parameter for the mass shooting definitions discussed above, but it is noteworthy that most mass shootings typically lasted little more than several minutes. However, several prominent researchers,



including Duwe as seen above, have defined either “mass murder” or “mass public shooting” with a timeframe parameter of “24 hours.”<sup>50</sup>

As also noted above, the FBI has traditionally viewed “mass murders” as four or more murder victim multicides that occur in a single event or incident and single location, but a “single location” could be construed as a neighborhood, or even a distinct geographical area that might be situated in different but adjoining states. To address this possibility, the FBI reportedly changed its definition of “mass murder” to account for “murderous events” that occur in multiple locations that are geographically near one another.<sup>51</sup>

Along these lines, CRS has crafted its definition of mass public shooting with a scope wide enough to capture incidents that occurred in multiple locations (that is, incidents that occurred in both public and private locations), or neighborhood spree killings that involved several private residences in the same neighborhood, but belonging to different family units, yet might still be considered “public,” and a single event that occurred in one general location. Five of 66 mass public shootings in the CRS dataset could be characterized as four or more victim spree murders, or mass/spree murders.

In addition, CRS has also crafted its definition of mass public shooting narrowly enough to exclude mass shootings that occurred in remote or secluded, sparsely populated “public” places (e.g., parks, national forests, and rural back roads), where the likelihood of police intervention was low. In summation, CRS has generally characterized any mass murder with firearms as a mass public shooting, if four victims were shot to death and the incidents occurred wholly or partially in public spaces, except for those incidents that occurred in public, but comparatively secluded and sparsely populated locations.<sup>52</sup>

It is noteworthy that there is a number of mass public shootings in the CRS dataset—about one-fifth—that were possibly triggered by a domestic dispute, but either all or a majority of the victims were not related to the offender(s). Four other incidents, which were characterized as mass public shootings, could have also been characterized as familicides, in that the offender was a spouse or former intimate partner of one of the victims and the other victims were all, or nearly all, family members. These incidents were characterized as mass public shootings because they occurred in a roller rink, day spa, and two houses of worship.

In addition, family units were annihilated with firearms in some of the incidents included in the other felony mass shooting dataset; however, the offenders were generally rival drug dealers or gang members, or both, and were not related to the victims by blood, marriage, or other form of domestic union. Nearly all of the mass murders characterized as familicide mass shooting incidents in this report occurred in private residences or remote locations, and involved lone offenders who were either a family member or a former intimate partner of a family member. Notwithstanding the potential for overlap, it follows that there are conceptually at least three

<sup>50</sup> Hannah Scott and Katie Fleming, “The Female Family Annihilator: An Exploratory Study,” *Homicide Studies*, vol. 18(1), 2014, p. 63.

<sup>51</sup> Lin Huff-Corzine, et al., “Shooting for Accuracy: Comparing Data Sources on Mass Murder,” *Homicide Studies*, vol. 18(1), 2014, p. 113.

<sup>52</sup> For example, CRS categorized a November 1973 Sioux Falls, SD, mass shooting as an other felony mass shooting even though it occurred in Gitchie Manitou State Preserve. Although the preserve is a public place, it is also a remote and sparsely populated setting. In this case, there were three offenders, who were brothers. They murdered two couples, raping both females, before shooting all four victims to death.

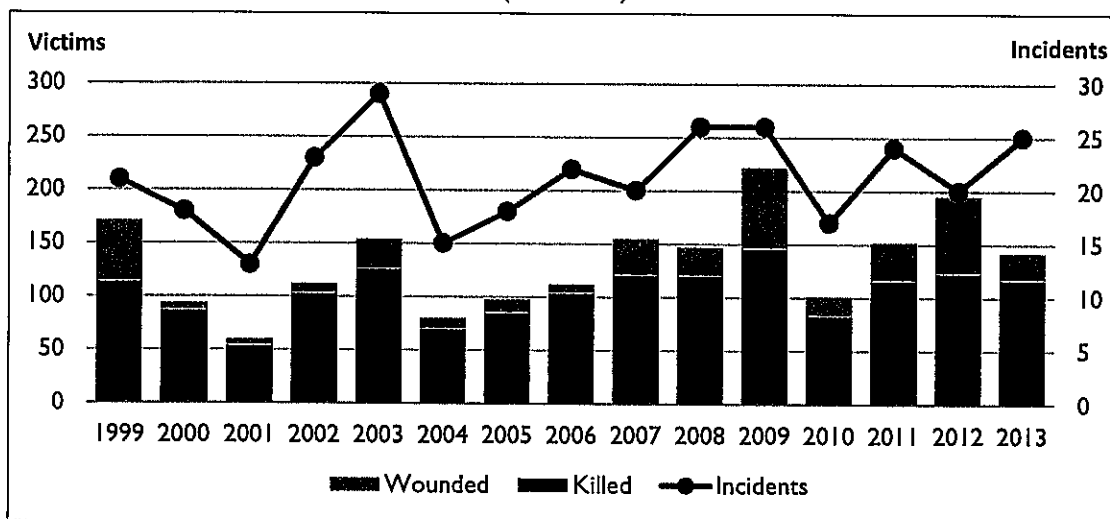
broad patterns of mass murder and, by extension, mass shootings: mass public shootings, familicide mass shootings, and other felony mass shootings.

CRS assigned individual incidents to only one of these three patterns after evaluating the specific location(s), offender-victim relationships, and other pertinent circumstances. Hence, the data subsets are mutually exclusive in this report. Other analysts and researchers could take the same datasets and make different distinctions, judgments, and findings. However, CRS categorized the incidents in this report based largely on the findings of other researchers with the objective of establishing as much comparability among studies as possible. While a handful of cases could possibly be placed in more than one category, like the four familicides in the mass public shooting category, most of the incidents fell within one of the three patterns outlined above.

## Mass Shootings Findings

As shown in **Figure 1**, CRS analysis of the FBI SHR and other data sources indicate that offenders committed at least 317 mass shooting incidents in the United States, murdering 1,554 victims and non-fatally wounding another 441 victims from 1999 through 2013.<sup>53</sup> During that 15-year period, there were on average 21 mass shooting incidents per year, with an average of 104 total murder victims and 29 wounded victims per year resulting from those incidents. As shown in **Table 1**, based on five-year averages, there was an uptick in mass shooting incidents and casualties during the last five years of the 15-year period. The annual incident and casualty counts shown in **Figure 1** and underlying **Table 1** are provided in **Table B-1**.

**Figure 1. Mass Shootings**  
(1999-2013)



**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

<sup>53</sup> Like BJS, Fox, and Duwe, CRS initiated its research by analyzing FBI SHR data. Like Duwe, CRS verified that quadruple and greater homicide incidents reported to the FBI were recorded properly by state and local law enforcement agencies on the SHR form and, then, supplemented the dataset with incidents not reported to the FBI.

**Notes:** “Mass shooting” means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and in one or more locations in close geographical proximity.

**Table 1. Mass Shootings: Five-Year Annual Averages**

	Incidents	Victims Killed	Victims Wounded	Total Casualties
1999-2003	20.8	95.8	22.4	118.2
2004-2008	20.2	99.0	19.4	118.4
2009-2013	22.4	116.0	46.4	162.4

**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** “Mass shooting” means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and in one or more locations in close geographical proximity.

In addition to providing overall data on “mass shootings,” this report builds on the work of noted criminologists and others, and provides statistical breakdowns and further analysis for three broad patterns of mass shootings. In summary, those 21 mass shootings annually on average fall into the following broad patterns:

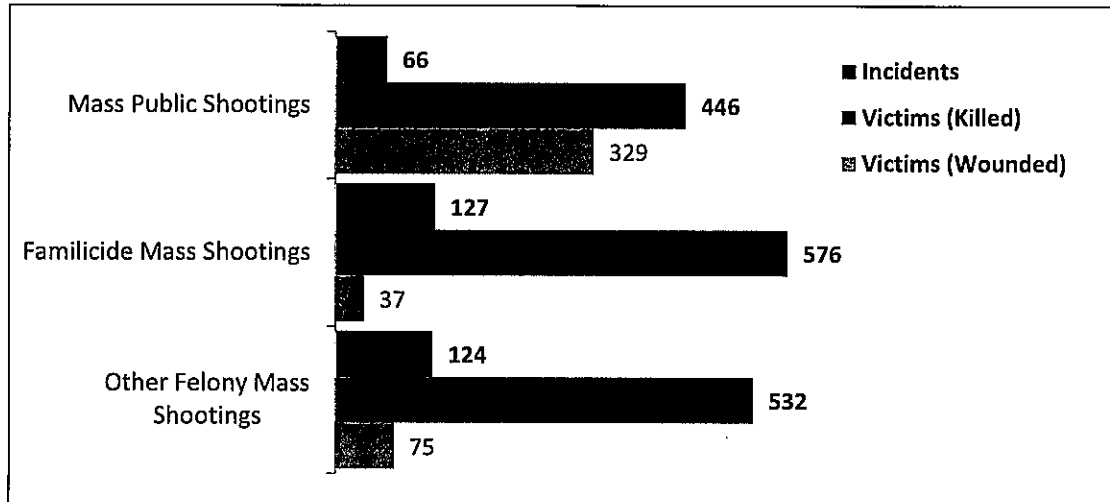
- four (4.4) were “mass public shootings” in which four or more victims were shot to death in one or more public locations, such as a workplace, school, restaurant, house of worship, or neighborhood, and the murders *were not* attributable to any underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle);
- eight (8.5) mass shootings were “familicides” in which a parent, former intimate partner, or less often a child (progeny), shot four or more victims to death, and a majority of those victims were murdered in private residences or secluded, sparsely populated settings, and the murders *were not* attributable to any underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle); and
- eight (8.3) mass shootings could be characterized as “other felony mass murders” in which victims were shot to death, and the murders *were* attributable to an underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

The 15-year dataset compiled by CRS indicates that the prevalence and deadliness of mass shootings overall fluctuated sporadically from year to year.<sup>54</sup> As discussed below, based on five-year averages, the data show that mass shootings increased slightly during the five-year period (2009-2013) compared to earlier five-year periods (1999-2003 and 2004-2008), suggesting an uptick in these incidents in recent years. Mass public shootings and familicide mass shootings also increased slightly, while other felony mass shooting incident and casualty counts decreased

<sup>54</sup> One study found that for the 36-year period 1976-2011 that the prevalence of mass shootings overall also varied considerably from year to year, but largely held steady at about 20 incidents per year on average over that time period. See James Alan Fox and Monica J. DeLateur, “Mass Shootings in America: Moving Beyond Newtown,” *Homicide Studies*, February 2014, p. 129, <http://dropbox.curry.com/ShowNotesArchive/2013/12/NA-576-2013-12-22/Assets/War%20on%20Crazy/Homicide%20Studies-2013.pdf>.

slightly, suggesting that the composition of mass shootings has possibly changed over that 15-year timespan (1999-2013). **Figure 2** shows the actual victim and casualty counts for public, familicide, and other felony mass shootings. Familicide and other felony mass shootings occurred twice as frequently as mass public shootings. Compared to familicide (4.8) and other felony mass shootings (4.9), public mass shootings accounted for twice the number of victims (killed and wounded) per incident (11.7).

**Figure 2. Mass Public, Familicide, and Other Felony Mass Shootings**  
(Incidents and Victims, 1999-2013)



**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups

In consultation with Grant Duwe, CRS has re-evaluated his data on “mass public shootings” for the 1970s, 1980s, and 1990s. For example, CRS eliminated some of the Duwe-reported mass public shootings, because upon further examination some of those incidents could be characterized as other felony mass shootings.<sup>55</sup> Based on the CRS definition of “mass public shootings,” the data show there were on average:

- one (1.1) incident per year during the 1970s (5.5 victims murdered, 2.0 wounded per incident),
- nearly three (2.7) incidents per year during the 1980s (6.1 victims murdered, 5.3 wounded per incident),
- four (4.0) incidents per year during the 1990s (5.6 victims murdered, 5.5 wounded per incident),
- four (4.1) incidents per year during the 2000s (6.4 victims murdered, 4.0 wounded per incident), and

<sup>55</sup> For example, CRS categorized an unsolved September 1984, Detroit, MI, mass shooting involving a disputed dice game, and a January 1993 Palantine, IL, mass shooting (Brown’s Chicken and Pasta) that started out as a robbery, as other felony mass shootings.

- four (4.5) incidents per year from 2010 through 2013 (7.4 victims murdered, 6.3 wounded per incident).

These decade-long averages indicate that the prevalence, if not the deadliness, of mass public shootings has increased, but whether these increases constituted an “epidemic,” as some have argued, would be a matter of perspective. As the data show, the United States saw about four mass public shootings per year on average in the 1990s and 2000s. The first four years of this decade saw an uptick in both the prevalence and deadliness of those incidents.

In terms of deadliness, over the past half century, there have been 13 mass public shootings that resulted in comparatively high casualty counts in terms of double-digit (greater than nine) murder victim counts. Seven of those high-casualty mass public shooting incidents occurred in the past seven years, and resulted in over half of the murder victims and nearly half of the wounded associated with those 13 incidents. Two of those mass public shootings, the December 2012 Newtown, CT,<sup>56</sup> and the April 2007 Blacksburg, VA (Virginia Polytechnic Institute and State University, or VA Tech)<sup>57</sup> mass shootings, resulted in the highest death tolls on record.

## Mass Public Shootings

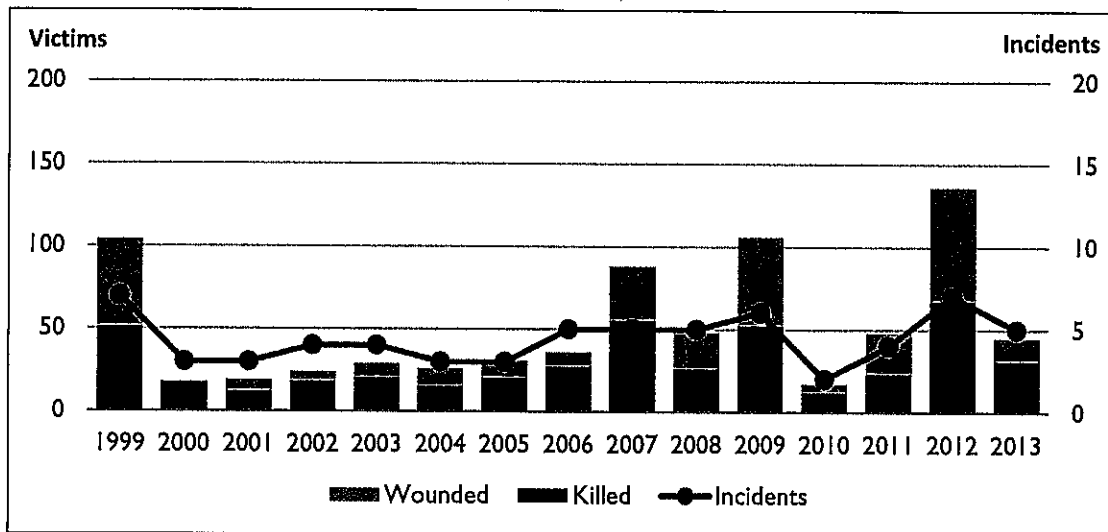
As shown in **Figure 3**, offenders committed 66 mass public shootings, murdering 446 victims and non-fatally wounding another 329 victims from 1999 through 2013. As with mass shootings generally for that 15-year period, the number of mass public shooting incidents (4.4 per year on average) increased and decreased with considerable variation from year to year. Meanwhile, the casualty counts in terms of killed and/or wounded per year increased for 1999, 2007, 2009, and 2012, due to several incidents that resulted in 10 or more victims killed and sometimes several times more wounded. The average and median age of victims killed was 39 years of age. Notably, the mode was 6 years of age, demonstrating the singularity of Newtown.

As shown in **Table 2**, five-year averages for both incident and victim counts were higher for the last five years than the preceding 10-year period (1999-2008). However, those increases were largely driven by a few incidents in 2012. If 2012 were excluded, the averages would actually have been lower than the preceding five-year period (2004-2008). The annual incident and casualty counts shown in **Figure 3** and underlying **Table 2** are provided in **Table B-2**.

<sup>56</sup> On December 14, 2012, in Newtown, CT, a 20-year-old male entered Sandy Hook Elementary School and shot 20 first graders and 6 adult staff members to death. He also shot his mother to death. For further information, see *Report of the State's Attorney for the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yogananda Street, Newtown, Connecticut on December 14, 2012*, November 25, 2013, 116 pp.

<sup>57</sup> On April 16, 2007, a student at Virginia Polytechnic Institute and State University shot 32 people to death and wounded many others. For further information, see *Mass Shootings at Virginia Tech, April 16, 2007: Report of the Virginia Tech Review Panel Presented to Timothy M. Kaine, Governor, Commonwealth of Virginia*, August 2007, 147 pp.

**Figure 3. Mass Public Shootings at Workplace, Schools, Restaurants, and Other Public Places**  
(1999-2013)



**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** “Mass public shooting” means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and at least some of the murders occurred in a public location or locations in close geographical proximity (e.g., a workplace, school, restaurant, or other public settings), and the murders are not attributable to any other underlying criminal activity or commonplace circumstance (armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

**Table 2. Mass Public Shootings: Five-Year Annual Averages**

	Incidents	Victims Killed	Victims Wounded	Total Casualties
1999-2003	4.2	23.6	15.2	38.8
2004-2008	4.2	28.6	17.2	45.8
2009-2013	4.8	37.0	33.4	70.4

**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** “Mass public shooting” means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and at least some of the murders occurred in a public location or locations in close geographical proximity (e.g., a workplace, school, restaurant, or other public settings), and the murders are not attributable to any other underlying criminal activity or commonplace circumstance (armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

Offenders used firearms that could be characterized as “assault weapons” in 18 of 66 incidents (27.3%), in that they carried rifles or pistols capable of accepting detachable magazines that might have previously fallen under the 10-year, now-expired federal assault weapons ban (1994-2004). In one of those incidents, the assault weapon had been illegally converted into a machine gun.<sup>58</sup> In another case, an off-duty police officer used a legally registered machine gun that had

<sup>58</sup> Under the 1934 National Firearms Act (NFA), the term “machine gun” is defined as any weapon which shoots, is (continued...)



been issued to him by his department.<sup>59</sup> In 38 incidents, the offender carried a single firearm. In 28 out of 66 incidents (42.4%), offender or offenders carried multiple firearms. At least seven offenders held concealed carry permits according to the Violence Policy Center.<sup>60</sup> None of the mass public shootings remained unsolved, unlike other felony mass shootings.

A domestic dispute of some type was allegedly a precipitating factor in roughly a fifth (21.2%) of “mass public shootings,” or at least 14 of the 66 incidents. Four other mass public shooting incidents could also be characterized as familicides, in that a spouse or former intimate partner murdered four or more family members, but in a public space. CRS categorized these incidents as mass public shootings for two reasons: they did not occur in secluded, sparsely populated locations, and other researchers had categorized these incidents as mass public shootings.<sup>61</sup> One mass public shooting could be characterized as terrorist attack: the November 5, 2009, Fort Hood, TX, mass shooting. Four other mass public shooting incidents included some element of racial or ethnic animus: those incidents occurred in a trailer park, work place, outdoors, and house of worship. The latter incident was the August 5, 2012, Oak Creek, WI, Sikh Temple mass shooting. In total, six out of 66 mass public shootings (9.1%) occurred in a house of worship. Seven

(...continued)

designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term also includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person (26 U.S.C. §5845(b)). Enacted as part of the Internal Revenue Code, the NFA levies taxes on all aspects of the manufacture/importation and distribution of such firearms, and requires that these firearms and their owners be registered at every point the firearms change ownership in the chain of commerce.

By comparison, under the Gun Control Act (GCA) of 1968, the term “semiautomatic rifle” is defined as any repeating rifle which uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge (18 U.S.C. §921(a)(28)). Semiautomatic pistol and rifle are similarly defined in the *Code of Federal Regulations* (27 C.F.R. §478.11).

On September 6, 2011, a 32-year-old male offender entered a Carson City, NV, restaurant and shot four people to death and wounded another seven with a 7.62mm Norinco Mak-90, which had been illegally converted from a semiautomatic rifle into a machine gun. Investigators reportedly recovered sixteen 30-round magazines. The offender reportedly emptied one magazine into the air before entering the restaurant and reloaded with two more magazines, firing 79 rounds in 1 minute and 25 seconds. Afterwards, the offender committed suicide with a .38 caliber revolver. According to press accounts, he had been diagnosed as a paranoid schizophrenic in 1999 and had been involuntarily committed once by police in California according to press accounts. See Martha Bellisle, “IHOP Shooting One Year Later: 85 Seconds That Changed Carson City,” *Reno Gazette-Journal*, September 3, 2012.

<sup>59</sup> On April 9, 2002, a 42-year old male offender and off-duty police officer used his department-issued MP5 machine gun in a Toms River, NJ, neighborhood shooting spree, or “mass public shooting,” in which he shot five people to death, before committing suicide. See Jean Mickle, “Killer Cop’s Victims’ Kin Get \$5.7M,” *Asbury Park Press (New Jersey)*, August 1, 2007.

<sup>60</sup> Violence Policy Center, *Concealed Carry Killers*, <https://www.vpc.org/ccwkillers.htm>.

<sup>61</sup> “A Guide to Mass Shootings in America,” *Mother Jones*. Mother Jones included at least two familicides committed in public places in its dataset. Those incidents included a March 1999 Gonzales, LA, church shooting and a February 2012 Norcross, GA, day spa shooting. In a previous report, CRS retained the church shooting in its dataset, but eliminated the day spa shooting. See CRS Report R43004, *Public Mass Shootings in the United States: Selected Implications for Federal Public Health and Safety Policy*, coordinated by Jerome P. Bjelopera.

In this report, CRS took an inclusive approach towards categorizing mass public shootings and categorized these incidents as Mother Jones did, with idea of establishing an initial dataset that could be as widely agreed upon as possible as a starting point for further analysis and debate about the nature of these incidents. CRS found two incidents that were very similar to these incidents, which are also included in this report’s mass public shootings dataset. They included a May 2006 Baton Rouge, LA, church shooting and a July 2011 Grand Prairie, TX, roller rink shooting.

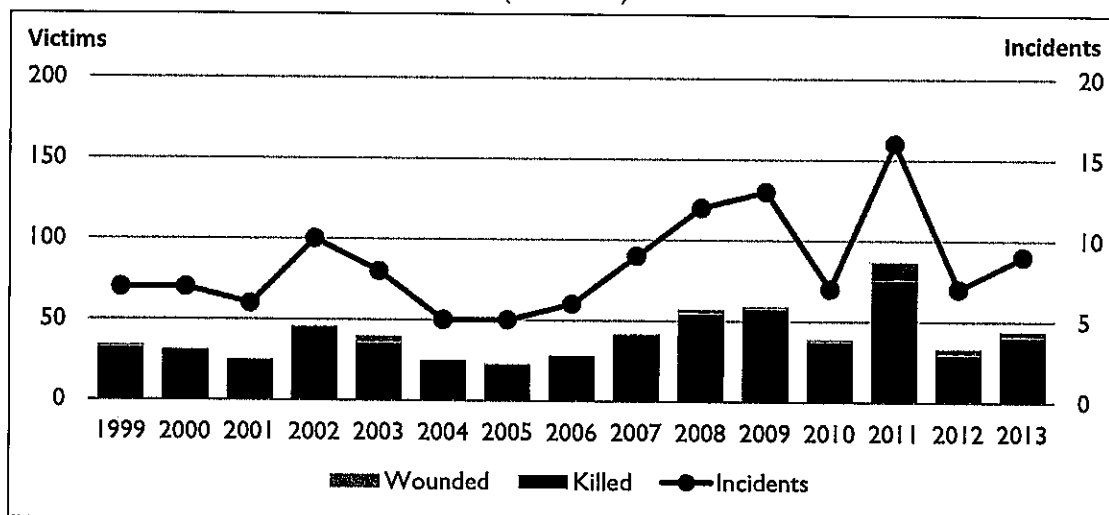
incidents (10.6%) occurred in schools or universities. Eighteen incidents (27.3%) occurred in workplaces.

Out of 68 offenders, 39 offenders committed suicide (57.4%), 8 were killed by police, 2 were wounded and then arrested, and the remaining 18 were arrested. One offender was female. All but two of these incidents involved single offenders. Those two incidents included the April 20, 1999, Columbine, CO, high school shooting and the October 3, 2002, Washington, DC, area sniper attacks. The average and median age of offenders was 36 years old, the mode was 42. Three offenders were juveniles (less than 18 years old), including the two co-conspirators in the Columbine, CO, and DC-area shootings.

## Familicide Mass Shootings

As shown in **Figure 4**, offenders committed 127 familicide mass shootings, murdering 576 victims and nonfatally wounding another 37 victims from 1999 through 2013. During that 15-year period, familicide mass shootings (8.47 incidents per year on average) occurred twice as frequently as mass public shootings. The average age of victims killed was 27 years old; median, 30; and mode, 1 or less than 1.

**Figure 4. Familicide Mass Shootings**  
(1999-2013)



**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** "Familicide mass shooting" means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and a majority of the victims were members of the offender's immediate or extended family, the majority of whom were murdered in one or more private residences or secluded, sparsely populated settings in close geographical proximity, and the murders are not attributable to any other underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

As shown in **Table 3**, based on five-year averages, there was an increase in familicide mass shooting incidents and casualties during the last five years of the 15-year period. The annual incident and casualty counts shown in **Figure 4** and underlying **Table 3** are provided in **Table B-3**.



**Table 3. Familicide Mass Shootings: Five-Year Annual Averages**

	Incidents	Victims Killed	Victims Wounded	Total Casualties
1999-2003	7.6	33.6	1.6	35.2
2004-2008	7.4	34.0	1.0	35.0
2009-2013	10.4	47.6	4.8	52.4

**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** "Familicide mass shooting" means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and a majority of the victims were members of the offender's immediate or extended family, the majority of whom were murdered in one or more private residences or secluded, sparsely populated settings in close geographical proximity, and the murders are not attributable to any other underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

Out of 129 offenders, 72 offenders committed suicide (55.8%), five were killed by police, and 57 were arrested. Five offenders were female. Two incidents involved multiple (two) offenders. The average age of the offenders was 35.5 years, the median 35, and the mode 27. In one case, an offender used a firearm that could be characterized as an "assault weapon," with which he murdered a single victim, his father.<sup>62</sup> He was 16 years old. In familicide mass shootings, most offenders (86.9%) carried and used a single firearm. Like mass public shootings, but unlike other felony mass shootings, none of the familicide mass shootings remained unsolved.

Most familicide mass shooting offenders were male heads of household or former domestic intimate partners. In a few cases, the offenders were progeny (sons), ex-boyfriends of daughters, or boyfriends with progeny co-conspirators (daughters). These incidents tended to occur late at night or in the early morning hours in private households. In such cases, there is arguably little expectation that the police will be able to intervene to prevent or end such shootings without greater loss of life. On the other hand, there have been cases where domestic violence restraining orders and the longevity of those restraining orders were an issue.<sup>63</sup>

## Other Felony Mass Shootings

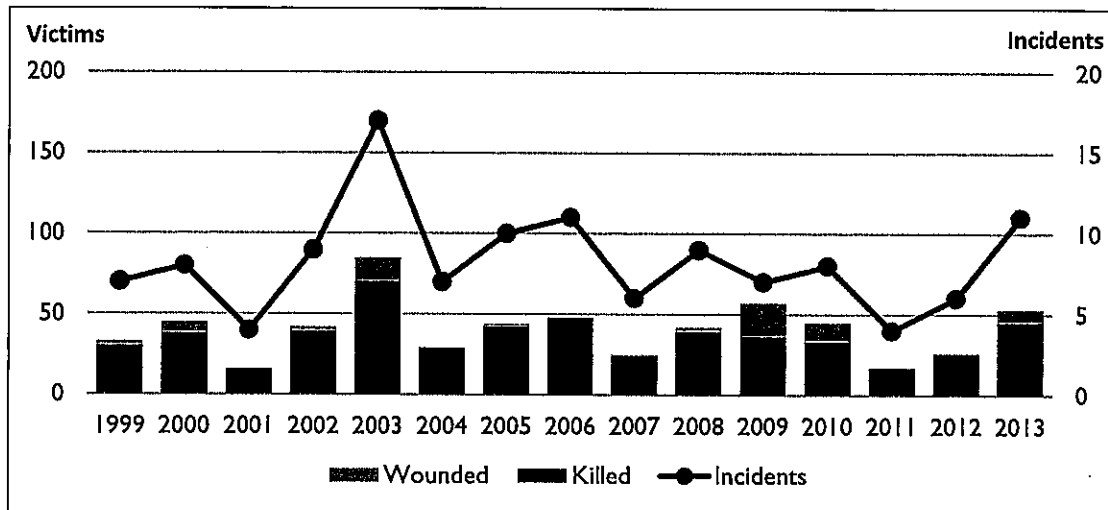
As shown in **Figure 5**, offenders committed 124 other felony mass shootings, murdering 532 victims and non-fatally wounding another 75 victims from 1999 through 2013. During that 15-year period, like familicide mass shootings, other felony mass shootings (8.27 incidents per year

<sup>62</sup> On January 18 and 19, 2013, a 15-year-old male offender murdered four of his family members with a .22 caliber rifle and another, his father, with a semiautomatic AR-15-type rifle in Albuquerque, NM. According to documents charging the offender with murder and child abuse, the offender was "haunted by homicidal and suicidal thoughts that included fantasies of killing his girlfriend's parents and gunning down random people at a Wal-Mart." See Matt Pearce, "Nehemiah Griego's Father Came Home to Family Massacre in New Mexico," *Los Angeles Times*, January 23, 2013; and Susan Montoya Bryan and Jeri Clausen, "NM Teen Spent Day at Church After Family Slain," *Associated Press Online*, January 24, 2013.

<sup>63</sup> For further information about state laws addressing firearms and domestic violence, see Shannon Frattaroli and Jan S. Vernick, "Separating Batterers and Guns: A Review and Analysis of Gun Removal Laws in 50 States," *Evaluation Review*, vol. 30(3), 2006, pp. 296-312.

on average) occurred about twice as frequently as mass public shootings. The average age of the victims killed was 30 years; median, 26; and mode, 23.

**Figure 5. Other Felony Mass Shootings**  
(1999-2013)



**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** “Other felony mass shooting” means a multiple victim homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, in one or more locations in close geographical proximity, and the murders are attributable to some other underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

Unlike either mass public shootings or familicide mass shootings, as shown in **Table 4**, based on five-year averages, other felony mass shooting incidents and casualty counts generally decreased, with the exception of the wounded counts. The annual incident and casualty counts shown in **Figure 5** and underlying **Table 4** are provided in **Table B-4**.

**Table 4. Other Felony Mass Shootings: Five-Year Annual Averages**

	Incidents	Victims Killed	Victims Wounded	Total Casualties
1999-2003	9.0	38.6	5.6	44.2
2004-2008	8.6	36.4	1.2	37.6
2009-2013	7.2	31.4	8.2	39.6

**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** “Other felony mass shooting” means a multiple victim homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, in one or more locations in close geographical proximity, and the murders are attributable to some other underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

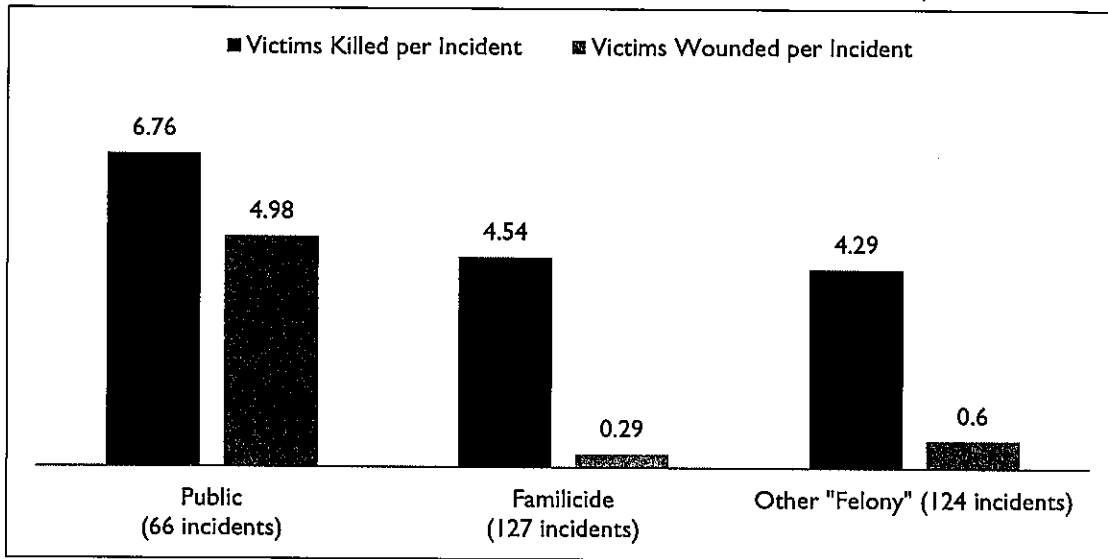
The average age of the offenders was 27.4 years, the median 26, and the mode 24. Seventy-seven of these 124 incidents (62.1%) were drug- or gang-related, and of those incidents, 31 were reportedly home invasions (25.0%). Fifteen were robberies (12.1%). Nine were classic revenge killings (7.3%). The rest ranged from a barroom shootout to courthouse escape. Out of 184 known or suspected offenders, three committed suicide, one was killed in an altercation with the police, and the rest were arrested. Most of those arrested were charged and convicted of murder or lesser crimes for being co-conspirators or accessories. Of these incidents, 40 involved single offenders; 30, two; 15, three; 9 four; 2, five; 1, six; and 1, eleven. Twelve offenders were female (all of them were co-conspirators). In 12 cases, offenders carried and/or used firearms that could be characterized as "assault weapons." Based on available press accounts, 27 of these incidents remain unsolved.

## Comparative Summary Data and Figures

As shown in **Figure 6** and **Figure 7**, mass public shootings had the highest casualty rates whether killed or wounded per incident or per offender, when compared to familicides and other felony mass shootings. For those cases in which the offenders were identified, approximately half of other felony mass shooting incidents involved multiple offenders. As a result, the casualty rates per offender(s) were lower for other felony mass shootings than for either mass public shootings or familicides. All of the data used to construct the **Figure 6** and **Figure 7** are provided in **Table B-5**.

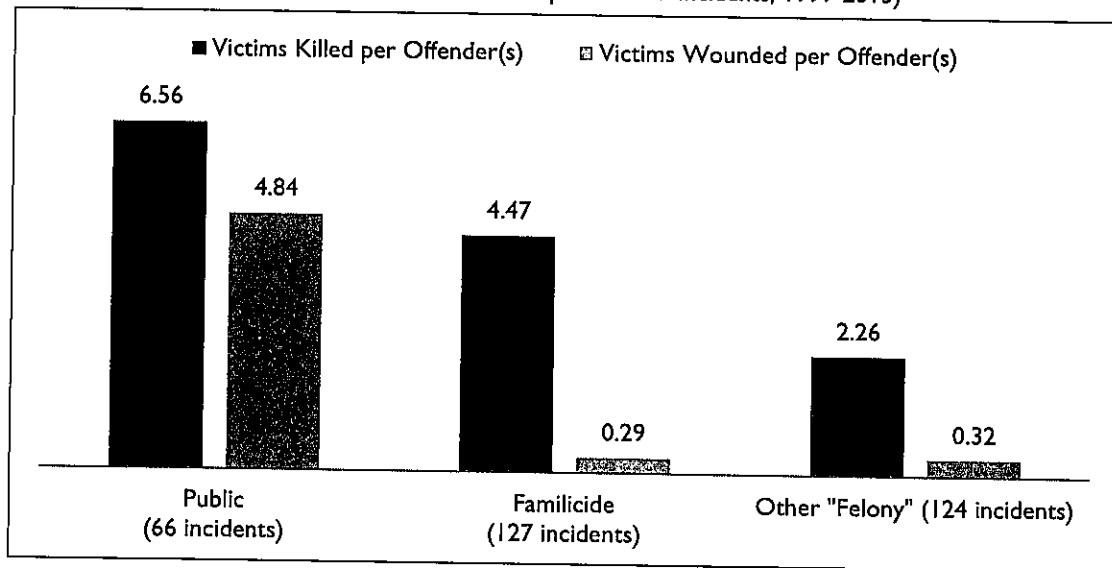
**Figure 6. Victims per Pattern of Mass Shooting Incident**

(317 incidents, 1,544 Murdered and 441 Nonfatally Wounded victims)



**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Figure 7. Victims per Pattern of Mass Shooting Offender**  
(At Least 432 Offenders Complicit in 317 Incidents, 1999-2013)



**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

## Prevalence and Deadliness of Mass Public Shootings

Over the past 48 years, as shown in **Table 5**, there have been 13 mass public shooting incidents that resulted in comparatively high casualty rates, or double-digit death tolls (more than nine). Seven of those high-casualty mass shooting incidents occurred in the past seven years, and resulted in over half of the murder victims and nearly half of the wounded associated with those 13 incidents.

**Table 5. Mass Public Shootings with Double-Digit (>9) Death Tolls**  
(Killed/Nonfatally Wounded)

Incidents (2007-2013)	Incidents (1966-2006)
2013 Washington Navy Yard (12/3)—workplace	1999 Littleton, CO (13/24)—high school
2012 Newtown, CT (27/2)—elementary school	1991 Killeen, TX (23/27)—other public space
2012 Aurora, CO (12/58)—other public space	1990 Jacksonville, FL (10/17)—public place
2009 Ft. Hood, TX (13/32)—workplace	1986 Edmond, OK (14/6)—workplace
2009 Binghamton, NY (13/4)—other public space	1984 San Ysidro, CA (21/19)—other public space
2009 Geneva County, AL (10/6)—private home and other public spaces (spree killing)	1966 Austin, TX (14/30)—university
2007 Blacksburg, VA (VA Tech) (32/17)—state university	
<b>Total:</b> Seven Years/Seven Incidents: 119 killed, 122 wounded	<b>Total:</b> Thirty-Four Years/Six Incidents: 95 killed, 123 wounded

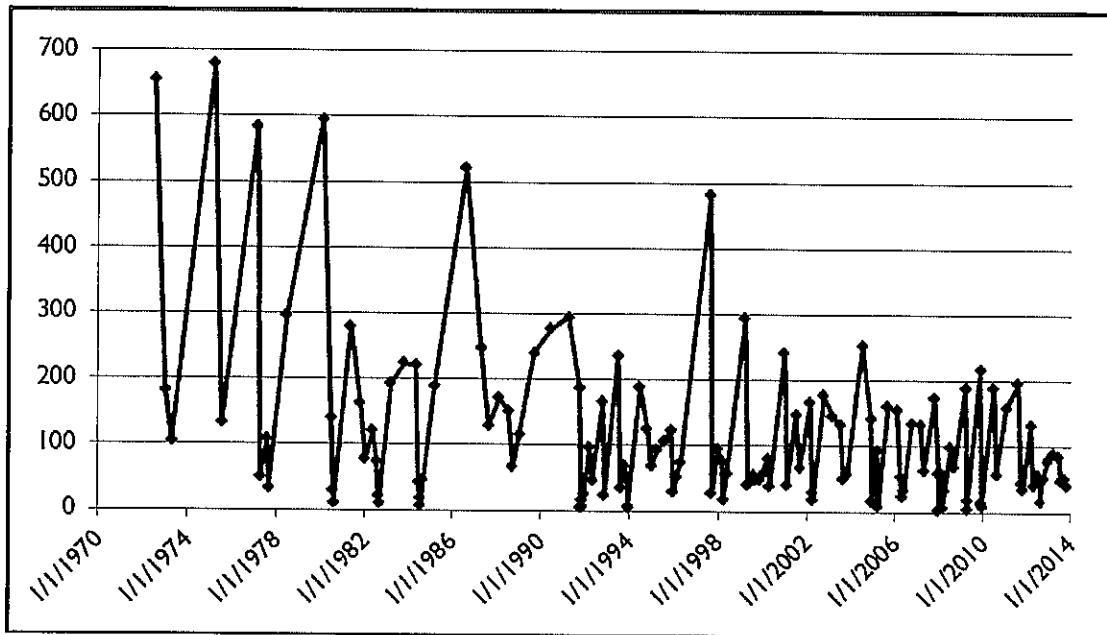
**Source:** Table adapted from James Allen Fox and Jack Levin, *Extreme Killing: Understanding Serial and Mass Murder*, 2nd Ed. (Sage Publications, Inc., 2012), p. 230.

**Notes:** Victim counts only include shooting victims. In some cases, additional victims were killed or wounded by means other than a firearm.

Two of those mass public shootings, the December 2012 Newtown, CT, and the April 2007 Blacksburg, VA (Virginia Polytechnic Institute and State University, or VA Tech) mass shootings, resulted in the two highest death tolls in the past half century. By comparison, for the earlier seven-year period (2000-2006), the United States did not suffer any mass shootings resulting in double-digit death tolls. And, over the 34-year period (1966-1999), there were six mass shooting incidents resulting in double-digit death tolls, and those incidents occurred less frequently.

As noted above, the current public understanding generally of what constitutes a mass public shooting was conceptualized arguably by Grant Duwe in his book, *Mass Murder in the United States: A History* (2007), although the term has been defined differently by several researchers.<sup>64</sup> Building upon Duwe's data and analysis, CRS compiled a 44-year dataset of firearms-related mass murders that could arguably be characterized as "mass public shootings." As shown in **Figure 8**, the days between incidents have become fewer over those years and the incidents have become more prevalent. From 2010 through 2013, for example, there were on average 74 days between mass public shooting incidents. For the 2000s, there were 88 days between incidents; for the 1990s, 94 days; for the 1980s, 152 days; and the 1970s, 282 days.

**Figure 8. Days Between Mass Public Shootings**  
(1970-2013)



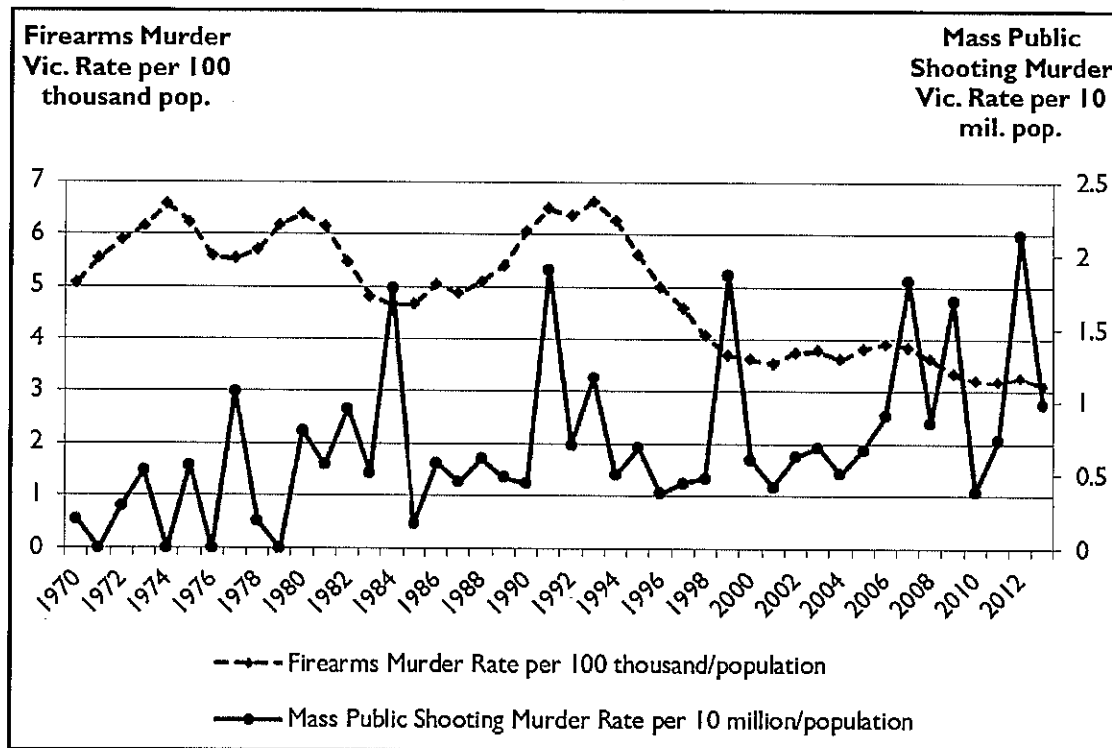
**Source:** CRS analysis of data provided by Grant Duwe for 1970-1998 on mass public shootings, as well as analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups. This analysis is nearly identical to that which first appeared in Amy P. Cohen, Deborah Azrael, and Matthew Miller, "Rate of Mass Shootings Has Tripled Since 2011, Harvard Research

<sup>64</sup> See CRS Report R43004, *Public Mass Shootings in the United States: Selected Implications for Federal Public Health and Safety Policy*, coordinated by Jerome P. Bjelopera.

Shows," *Mother Jones*, October 15, 2014, except that the CRS/Duwe dataset is more comprehensive than the Mother Jones dataset.

As shown in **Figure 9**, the overall firearms-related murder victim rate increased in the 1970s, 1980s, and peaked in 1993. Since then, that murder rate has decreased, fluctuated moderately, or held steady for about the past two decades. From 1993 to 2013, the estimated firearms-related homicide victim rate per one hundred thousand of the population decreased from 6.62 to 3.10. By comparison, it was 5.07 per hundred thousand of the population in 1970 (see the left y-axis for scale). For the same years, the mass public shooting murder victim rate per ten million of the population has trended upward, notwithstanding annual sporadic fluctuations in those murder counts (see the right y-axis for scale). The mass shooting victim rates spiked in several years. For example, it spiked at one victim per 10 million of the population in 1977. It spiked at about one and three-quarter victims per 10 million of the population in 1984, 1991, 1999, 2007, and 2009, largely due to the high casualty incidents listed in **Table 5**. It spiked at over two per ten million of the population in 2012, a rate that principally reflects the victims of the Aurora, CO, and Newtown, CT, mass shootings.

**Figure 9. Firearm Murder and Mass Public Shooting Victim Rates**  
(1970-2013)



**Source:** CRS analysis of data provided by Grant Duwe for 1970-1998 on mass public shootings, as well as analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

## Possible Issues and Options for Congress

Mass shootings are arguably one of the worst manifestations of gun violence. Public perception of mass public shootings is largely shaped by media accounts.<sup>65</sup> Those accounts often depict mass public shootings as “random” incidents, in which victims are “gunned down indiscriminately.” Leading criminologists, however, have long disputed such characterizations of mass murders as overly simplistic, and have done so in the wake of the Newtown, CT, tragedy.<sup>66</sup> Those criminologists contend strongly that most mass murderers who kill with firearms carefully plan their attacks well in advance, know at least some of their victims, and often select their victims methodically.<sup>67</sup> Those criminologists contend further that while mass murderers are often afflicted with some form of severe emotional duress and mental instability and, consequently, are sometimes delusional, they are rarely psychotic and hallucinatory, and are seldom found to be criminally insane or otherwise unfit to stand trial.<sup>68</sup> In many cases, their mental conditions did not rise to a level such that they would have previously had significant encounters with either the mental health or law enforcement communities.<sup>69</sup> Criminologists have noted, moreover, that after a short period of “moral panic” the national attention that is generated by mass public shootings subsides and the affected communities return to normalcy.<sup>70</sup>

“Familicides,” by comparison, arguably do not garner the same level of media attention or public concern, even though those incidents occur twice as frequently as “mass public shootings.” Advocates for domestic abuse victims have observed that there is often a societal stigma attached to familicides, because the victims are sometimes seen to be indirectly to blame.<sup>71</sup> Instead of the fear, “It could be me,” as is the case in mass public shootings, there appears to be a counter-rationalization, “It would never happen to me.” In some cases, media coverage of familicides is sparse, maybe an article or two in a local paper, often with little or no statewide or national coverage. In addition, there is often little or no opportunity for law enforcement officers to intervene in the actual shootings, because these murders are typically committed late in the night or in the early morning hours in private residences or remote, isolated areas. As discussed below, however, several states have enacted laws to intervene proactively, by taking arguably more concrete steps to remove firearms from the homes of persons with histories of domestic violence.<sup>72</sup>

<sup>65</sup> Lin Huff-Corzine, et al., “Shooting for Accuracy: Comparing Data Sources on Mass Murder,” *Homicide Studies*, vol. 18(1), 2014, p. 113.

<sup>66</sup> James Alan Fox and Monica J. DeLateur, “Mass Shootings in America: Moving Beyond Newtown,” *Homicide Studies*, December 18, 2013, p. 126, <http://dropbox.curry.com/ShowNotesArchive/2013/12/NA-576-2013-12-22/Assets/War%20on%20Crazy/Homicide%20Studies-2013.pdf>.

<sup>67</sup> *Ibid.*

<sup>68</sup> Fox and Levin, *Extreme Killing*, 2014, pp. 288-289, and Michael D. Kelleher, *Flash Point: The American Mass Murderer*, Praeger, 1997, pp. 119-121.

<sup>69</sup> *Ibid.*

<sup>70</sup> Ronald M. Holmes and Stephen T. Holmes, *Mass Murder in the United States*, Prentice Hall, 2001, p. 31. (Hereinafter cited as Holmes and Holmes, *Mass Murder*, 2001.)

<sup>71</sup> B.E. Richie, “Stigma, Stereotypes, and Gender Entrapment: Violence Against Women and Poverty,” *Georgetown Journal on Fighting Poverty*, vol. 3(1), Fall 1995, p. 36.D

<sup>72</sup> Shannon Frattaroli and Jan S. Vernick, “Separating Batterers and Guns: A Review and Analysis of Gun Removal Laws in 50 States,” *Evaluation Review*, vol. 30(3), 2006, pp. 296-312.



By comparison, “other felony mass shootings” generally generate media coverage initially following their discovery, but that attention usually wanes over time, especially when the offenders are not quickly apprehended, arrested, and brought to trial. As described above, a significant percentage of those incidents are drug- or gang-related, or involve persons engaged in other risk-laden, illegal activities. Because of this, there is sometimes little collective sympathy in afflicted communities for the victims. As with “familicides,” there is also often little opportunity for police to intervene in the actual shootings as they occur. Other mass shooting incidents appear to pose a challenge for law enforcement and the judicial system in some communities, as indicated by the possibly 27 unsolved “other felony mass shootings” in the 15-year CRS dataset.

In addition, following any mass shooting, questions are often raised by the media, gun control advocates, and gun rights defenders, but seldom answered definitively and officially. Among those questions, the six most frequently asked include

- How did the offenders get their guns, legally or illegally?
- Did the offenders have a history of violence and/or mental illness?
- How many and what types of guns were carried and used?
- Did the gun types lead to higher victim counts in terms of both killed and wounded?
- Did the offenders hold valid, state-issued concealed carry permits and, if so, was concealed carry a factor in shootings?
- Did the shootings occur in designated “gun free zones”?

Questions such as these, if answered comprehensively and in a longitudinal fashion, could arguably inform the policymaking process, as well as provide first responders with valuable criminal intelligence. Toward those ends, several gun control issues related to mass shootings are discussed below.

## **Mass Killings, Mass Murder, Mass Shooting, and Related Definitions**

Following the Newtown, CT, mass shooting, Congress passed legislation that statutorily defines the term “mass killings” as “3 or more killings in a single incident.”<sup>73</sup> This act essentially authorizes the Attorney General and FBI Director, at the request of a state or local law enforcement official, to assist in the investigation of violent acts, including mass killings and attempted mass killings in schools, malls, or other public places and non-federal office buildings. The term “mass killings” as defined in this act with its three-victim threshold differs with previous FBI guidance on homicide types, and with the prior general practice of enumerating what constitutes “mass murder.” As discussed previously, a mass murder has been defined generally as a multiple homicide incident in which four or more victims are murdered—not including the offender(s)—within one event, and in one or more geographical locations relatively near one another.

<sup>73</sup> Investigative Assistance for Violent Crimes Act of 2012 (P.L. 112-265; January 14, 2013; 126 Stat. 2435).



Given its definition of “mass killings” in P.L. 112-265, and as one step towards establishing a comprehensive statistical baseline in the future, Congress might want to consider whether it would be beneficial for the FBI or other governmental agency to provide a consistent, complementary set of definitions for terms like “mass murder,” “mass shooting,” and “mass public shooting,” so that such terminology is not conflated with terms like “active shooter,” “mass killing,” or “mass casualty event.” Several researchers have called for the development of a consensus definition for mass shootings, as one step towards stimulating and funding “epidemiologic research on this phenomenon.”<sup>74</sup>

## Federal Statistics and Mass Shootings

So far, with the exception of BJS, no federal agency has systematically analyzed multiple victim homicide incidents involving firearms in a comprehensive, authoritative manner. Yet the FBI-compiled Uniform Crime Reports (UCR) and its complementary Supplementary Homicide Reports (SHR) program provide the single, authoritative source of data on multiple victim homicides from which valid, academically peer-reviewed statistical baselines can, and have been, established by a handful of researchers. Nonetheless, the UCR-SHR data are fraught with several serious shortcomings, which could be alleviated if state and local law enforcement agencies reported data more regularly, and the FBI took additional steps to ensure the data were collected with greater accuracy. (See **Appendix A**, footnote 95.)

In addition to the FBI’s UCR-SHR program, the Department of Health and Human Services’ Centers for Disease Control and Prevention (CDC) also maintain a database on mortality and morbidity in the United States, including firearms-related homicides, suicides, and accidents. However, the CDC datasets are not published on as timely a basis as the UCR-SHR datasets; for any given year, the CDC data releases usually lag behind the FBI UCR-SHR data releases by a couple of years. Furthermore, the CDC datasets only include data on multiple victim homicides for those incidents that the FBI investigates as “international terrorist incidents.”<sup>75</sup>

In short, to provide an improved statistical baseline on mass murder and gun violence, Congress could examine possibilities of future improvements to both the CDC and FBI datasets, as a means of making both datasets more comprehensive, compatible, and complementary.

## Legal or Illegal Firearms Acquisition

Following any firearms-related multiple homicide, one of the questions that nearly always arises is, “How did the offender acquire his gun(s), legally or illegally?” This is a question that sometimes can be answered by federal authorities. The DOJ’s Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) administers a regulatory framework of recordkeeping under both the Gun Control Act of 1968 (18 U.S.C. Chapter 44, §921 et seq.) and the National Firearms Act of 1934 (26 U.S.C. §5801 et seq.) that often allows federal agents to trace a firearm from a federally licensed manufacturer or importer of that firearm to the first retail purchaser, and

<sup>74</sup> James M. Shultz, Siri Thoresen, Brian W. Flynn, Glenn W. Muschert, Jon A. Shaw, Zelde Espinel, Frank G. Walter, Joshua B. Gaither, Yanira Garcia Barcena, Kaitlin O’Keefe, and Alyssa M. Cohen, “Multiple Vantage Points on Mental Health Effects of Mass Shootings,” *Current Psychiatry Report* (2014) 16:469, p. 14.

<sup>75</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *The Nation’s Two Measures of Homicide*, July 2014, NCG 247060, <http://www.bjs.gov/content/pub/pdf/ntmh.pdf>.

possibly to the offender. In this way, the legality of the transfers in a firearm's chain of commerce can sometimes be established.

The release of raw, unfiltered firearms trace data to the public, however, is fraught with controversy, especially when the identities of federally licensed gun dealers who might not have broken any law are released.<sup>76</sup> On the other hand, knowing whether the offenders acquired their firearms legally or illegally would arguably inform the gun control debate. For example, if a majority of offenders who kill with firearms acquired those weapons legally, then a stronger argument possibly could be made for better recordkeeping on persons who are legally disqualified from being transferred a firearm for reasons of domestic violence or other documented violent behavior, among other possible changes in federal and state law. According to some assessments, however, it appears that some mass murders had little or no prior interaction with the mental health community, nor did they always have criminal history records.<sup>77</sup> While this could be said for some mass public shooting offenders, this observation is probably less valid for other felony and familicide mass shooting offenders.

Similarly, if a significant percentage of those offenders acquired those firearms from unlicensed persons, a stronger argument could be made for requiring "universal background checks," a proposal under which all firearms transfers would have to be made through a federally licensed gun dealer to ensure that a federal name-based background check would be conducted on all potential unlicensed firearms buyers, no matter whether the seller was a licensed dealer or unlicensed, private person. Opponents of universal background checks would possibly counter that offenders would manage to acquire a firearm through a "straw purchase" or some other illegal avenue.<sup>78</sup>

Nevertheless, such data on legality of such transfers, if collected comprehensively and without bias, could be released by ATF without compromising the identities of federally licensed gun dealers, who might have simply had the misfortune to transfer a firearm according to the law, but to a murderer. If a federally licensed gun dealer or unlicensed, private person transferred a firearm to a mass shooter illegally, it is likely he would be prosecuted to the fullest extent of the law.

Along these lines, Congress could consider requiring ATF to reach out affirmatively to offer assistance to any state or local law enforcement agency investigating any multiple victim

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<sup>76</sup> For FY2004 and every year thereafter, Congress has included a proviso in the ATF salaries and expenses appropriations language that is known for its original sponsor, Representative Todd Tiahrt. This proviso prohibits ATF from using appropriated funding to make unfiltered trace data available to any parties other than domestic and foreign law enforcement (with greater restrictions in the latter case) and national security agencies. The language of the proviso exempts trace reports, which ATF has traditionally produced for statistical purposes and firearms trafficking trend analysis. For FY2012, Congress included "futurity language" ("in the current fiscal year and in each fiscal year thereafter") in this rider, which appears to be intended to make it permanent law. See Consolidated and Further Continuing Appropriations Act, 2012; P.L. 112-55; November 18, 2011, 125 Stat. 552, 609-610; 18 U.S.C. 923 note.

<sup>77</sup> James Alan Fox, "Top Ten Myths About Mass Shootings," *Boston.com*, [http://www.boston.com/community/blogs/crime\\_punishment/2012/12/top\\_10\\_myths\\_about\\_mass\\_shooti.html](http://www.boston.com/community/blogs/crime_punishment/2012/12/top_10_myths_about_mass_shooti.html).

<sup>78</sup> A "straw purchase" occurs when an individual poses as the actual transferee, but he is actually acquiring the firearm for another person. In effect, he serves as an illegal middleman. As part of any firearms transfer from a federally licensed gun dealer to a private person, the GCA requires them to fill out jointly an ATF Form 4473. In addition, the gun dealer is required to verify the purchaser's name, address, date of birth, and other information by examining a government-issued piece of identification, most often a driver's license. Among other things, the purchaser attests on the ATF Form 4473 that he is not a prohibited person, and that he is the "actual transferee/buyer." Hence, straw purchases are known as "lying and buying for the other guy." Straw purchases are illegal under two provisions of the GCA (18 U.S.C. §§ 922(a)(2) and 924(a)(1)(D)).

homicide, no matter the circumstances, by offering to trace any firearms used in those incidents. Based on that assistance, Congress could also consider directing BJS and ATF to report formally to Congress about the frequency and deadliness of multiple victim homicides, and how the offenders acquired those firearms used in those incidents, especially for mass murders. ATF would arguably also be well positioned to report to Congress on arson- and explosives-related mass murders.

## **Types of Firearms Used in Mass Shootings**

Many observers agree that a rash of “mass public shootings” in the 1980s and early 1990s was a contributing factor that led to the enactment of a 10-year (1994-2004) federal ban on “semiautomatic assault weapons” that placed restrictions on certain “military style” firearms capable of accepting “detachable magazines,” a capability that arguably allows some firearms to be re-loaded more rapidly and fired more rapidly. As noted above between 1999 and 2013:

- In “mass public shootings,” offenders used firearms that could be characterized as “assault weapons” in 18 of 66 incidents (27.3%).
- In one “familicide mass shooting,” an offender used a firearm that could be characterized as an “assault weapon,” with which he murdered one of his four victims, his father.
- In 12 “other felony mass shootings,” offenders carried and/or used firearms that could be characterized as “assault weapons” (9.7%).

In summation, out of 317 “mass shootings,” offenders used firearms that could be characterized as “assault weapons” in 31 incidents (9.78%), or roughly 1 out of 10 incidents. In some, but not all, of these incidents, the capabilities of these firearms arguably led to higher victim counts in terms of both killed and wounded. In other incidents, however, like the familicide described above, the fact that the firearm used to kill one of the victims could be characterized as an “assault weapon,” does not arguably inform the gun control debate a great deal, because the offender did not fire multiple rounds with that firearm to murder multiple victims, nor did he reload.

If an authoritative and comprehensive dataset of types of firearms used, numbers of shots fired, and reloads made in mass shooting incidents could be established, Congress and other policymakers would arguably have an improved basis from which to assess proposals regarding the capacity of detachable magazines and semiautomatic firearms capable of accepting those magazines.

## **Domestic Violence and Mass Shootings**

A domestic dispute of some sort was allegedly a contributing factor in about a fifth of mass public shootings and arguably nearly all of the familicide mass shootings. In some cases, offenders were able to purchase a firearm, or allowed to keep firearms already in their possession, and commit mass murder, even though they had previously had domestic violence restraining orders filed against them, or had been convicted of misdemeanor domestic violence offenses, both prohibiting factors under federal law with regard to firearms possession and transfer. Such scenarios have

prompted some states to increase the longevity of domestic violence restraining orders.<sup>79</sup> These scenarios have also prompted other states to require judges and magistrates issuing domestic violence restraining orders to communicate affirmatively to the subject of a restraining order that if he or she possesses any firearms, they are henceforward, for the life of that restraining order, in illegal possession of those firearms and in violation of federal law.<sup>80</sup> Hence, they must at least temporarily surrender constructive possession of their firearms to a neutral third party. Other states require the subjects of those restraining orders to actually surrender any firearms that they possess to the authorities for the life of that restraining order. The laws in other states remain silent on such matters, according to a 2006 report.<sup>81</sup> As several researchers underscored, the expectation that subjects of restraining orders voluntarily relinquish their firearms is a potentially problematic aspect of both federal and state law.<sup>82</sup>

With regard to such matters, Congress could consider directing the Attorney General to establish guidelines for the handling of such matters at the state and local level. Congress might also want to consider revisiting the NICS Improvement Amendments Act of 2007 (P.L. 110-180) to explore possibilities to address the issues related to improving electronic information sharing on persons with documented histories of domestic violence with the FBI for the purposes of gun control.

## Mental Illness and Mass Shootings

Most mass murderers arguably suffered from some form of mental instability, at least temporarily.<sup>83</sup> Many offenders, however, who manage to shoot to death four or more victims are not psychotic or hallucinatory; consequently, they often have not had significant interaction with either the mental health or law enforcement community.<sup>84</sup> Nonetheless, following mass shootings, policymakers often propose providing increased funding to bolster a federally maintained computer file in the National Instant Criminal History Background Check System, in which the FBI maintains records on persons who are considered “mentally defective,” or too “mentally incompetent” or “mentally unstable” to be trusted with firearms. Prior to the enactment of the Brady Handgun Violence Prevention Act (Brady Act, P.L. 103-159), however, the United States collectively saw no reason to establish a paper record system or electronic database of persons who were too “mentally incompetent” for gun control or any other purpose.

Conversely, prior to the Brady Act, the federal government and the states (largely facilitated by the FBI) had collectively built a federated system, which in the 1970s was computerized and

<sup>79</sup> Legal Community Against Violence, *Regulating Guns in America: An Evaluation and Comprehensive Analysis of Federal, State and Selected Local Gun Laws* (2008), pp. 88-103.

<sup>80</sup> *Ibid.*

<sup>81</sup> Shannon Frattaroli and Jon S. Vernick, “Separating Batterers and Guns: A Review and Analysis of Gun Removal Laws in 50 States,” *Evaluation Review* (June 2006), pp. 296-312.

<sup>82</sup> Emily Rothman, Renee M. Johnson, and David Hemenway, “Gun Possession Among Massachusetts Batterer Intervention Program Enrollees,” *Evaluation Review*, vol. 30, no. 3, June 2006, p. 284.

<sup>83</sup> Adam Lankford, *The Myth of Martyrdom: What Really Drives Suicide Bombers, Rampage Shooters, and Other Self-Destructive Killers*, Palgrave Macmillan, 2013, pp. 107-126. Katherine Ramsland, *Inside the Minds of Mass Murderers: Why They Kill*, Praeger Publishers, 2005, pp. 145-146.

<sup>84</sup> Jennifer Skeem, Patrick Kennedy, John Monahan, Jillian Peterson, and Paul Appelbaum, “Psychosis Uncommonly and Inconsistently Precedes Violence Among High-Risk Individuals,” *Clinical Psychological Science*, vol. 1-10, 2015, p. 4; cited in Yasmin Anwar, “Psychotic Hallucinations, Delusions Rarely Precede Violence,” *Psychology and Psychiatry*, May 12, 2015, <http://medicalxpress.com/news/2015-05-psychotic-hallucinations-delusions-rarely-violence.html>.

linked telephonically, to share mostly serious felony-level criminal history record information (“rap sheets”). This federated computer record system is the Interstate Identification Index (III). While the number and quality of records in the III needed to be improved substantially to meet the objectives of the Brady Act, without it, the Brady Act would have largely been unfeasible.

At the same time, the Brady Act created a statutory impetus to develop a parallel computer system and databases for persons who authorities considered to be too mentally unstable to be trusted with a firearm, as well as computer files on drug addicts and abusers. To implement this part of the Brady Act, federal authorities are dependent upon the state authorities to gather and provide those records electronically to the FBI. While some states that had required computerized, firearms-related background checks prior to the Brady Act had begun to establish such record systems, some states had not and still have not established such systems. Because the impetus was top-down and not bottom-up, or grass roots, the onus was arguably on the federal government to lead a nationwide dialogue and build a national consensus with regard to the scope, reach, and maintenance of such record systems.

At the federal level, such a dialogue was held administratively among federal agencies. In 1997, the ATF, in consultation with other federal agencies, established a regulatory definition of “adjudicated mental defective” as one step towards the implementation of the Brady Act, which required federal background checks on unlicensed persons seeking to acquire firearms from federally licensed firearms dealers.<sup>85</sup> According to DOJ, however, some states have chosen not to provide the FBI with any records on persons who would fall under ATF’s definition of “adjudicated mental defective,” even when they have been:<sup>86</sup>

- found to pose a danger to themselves or others following a court-ordered psychiatric evaluation;
- committed to a mental institution;<sup>87</sup> or
- found to be criminally insane.

Before the Newtown, CT, mass shooting, federal courts did not provide records to the FBI on persons who had been found to be criminally insane, though those persons fell under the ATF definition of “adjudicated mental defective.” While this oversight has reportedly been addressed

<sup>85</sup> Under 27 C.F.R. §478.11, the term “adjudicated as a mental defective” is defined to include a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence or a mental illness, incompetency, condition, or disease, (1) is a danger to himself or others, or (2) lacks the mental capacity to manage his own affairs. The term also includes (1) a finding of insanity by a court in a criminal case and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. Sections 850a, 876(b).

This definition was promulgated by an ATF final rule (*Federal Register*, vol. 62, no. 124, June 27, 1997, p. 34634).

<sup>86</sup> U.S. Department of Justice, *Report to Congress Pursuant to Requirements of the NICS Improvement Amendments Act of 2007 (P.L. 110-180)*, July 1, 2010.

<sup>87</sup> Under current federal law, the term “committed to a mental institution” does not include voluntary admissions and would not apply to individuals voluntarily seeking treatment for CRS Report R43040, *Submission of Mental Health Records to NICS and the HIPAA Privacy Rule*, coordinated by Edward C. Liu. Following the 2012 Newtown, CT, tragedy, several states changed laws related to involuntary commitments and mandatory reporting. Jessica Rosenberg, “Mass Shootings and Mental Health Policy,” *Journal of Sociology & Social Welfare*, March 2014, vol. XLI, no. 1, p.10114.



by the Executive Office of the U.S. Attorneys and Administrative Office of the U.S. Courts, it may still warrant congressional attention.<sup>88</sup>

On the other hand, since 1998, the Department of Veterans Affairs (VA) has transferred to the FBI electronic records on any VA beneficiary who is found to be too mentally incompetent to handle his or her day-to-day affairs, prompting Congress to create an administrative appeals process so that those VA beneficiaries can petition to have their gun rights restored. In addition, as a condition of federal aid under the NICS Improvement Amendments Act of 2007 (P.L. 110-180), Congress requires that states establish similar administrative appeals processes. In some cases, the costliness of these appeals processes has prompted some states to forgo applying for federal grants under the act.<sup>89</sup> Meanwhile, Congress maintains a rider on the ATF annual appropriations, prohibiting that agency from considering any disabilities relief applications under federal statute from any other person ineligible to possess for any reason, because gun privileges had been restored to persons with criminal histories, some of whom later went on to commit subsequent crimes, and also for cost-saving purposes.<sup>90</sup>

The range of “mentally incompetent” or “mentally unstable” persons who could potentially fall under the ATF definition of “adjudicated mental defective” is wide in scope and will likely be costly to realize. Congress has already provided state and local governments with hundreds of millions of dollars to improve the accuracy and electronic access to disqualifying records for the purposes of gun control.<sup>91</sup> While the focus of those efforts initially was on felony-level criminal records, over the years resources have been increasingly devoted to determinations of mental incompetency, misdemeanor domestic violence convictions, and misdemeanor domestic violence restraining orders.

The maintenance of these records has considerable implications for the individuals who are the subjects of those records. It also has costs, not only to the federal government, but state and local governments, and possibly mental health care providers as well.<sup>92</sup> To ensure that at some point in the future such funding is provided and expended in the most efficacious manner possible, Congress could consider the scope of the federal definition of “adjudicated mental defective” and

<sup>88</sup> Phone conversation with Administrative Office of the United States Courts, Office of Legislative Affairs on February 15, 2015.

<sup>89</sup> “The limited amount of NIAA grant funds appropriated so far may, in some cases, have caused states to abstain from pursuing a relief from disabilities program based upon a simple cost-benefit analysis.” U.S. Department of Justice, *Report to Congress Pursuant to Requirements of the NICS Improvement Amendments Act of 2007 (P.L. 110-180)*, June 1, 2012, p. 14.

<sup>90</sup> For FY1993 and every year thereafter, Congress has included a proviso in the ATF S&E appropriations language that prevents that agency from using appropriated funds to consider applications for disabilities relief (i.e., reinstatement of an applicant’s right to gun ownership under 18 U.S.C. §925(c)) from individuals who are otherwise ineligible to be transferred a firearm.

<sup>91</sup> Under the National Criminal History Improvement Program (NCHIP), which was originally authorized under the Brady Act, Congress has appropriated nearly \$563 million to provide states with grants to improve criminal history recordkeeping. Similarly, for programs authorized under the 2007 NICS Improvement Amendments Act (P.L. 110-180), Congress has appropriated nearly \$64 million to provide states and tribal governments with grants to improve mental health and criminal history recordkeeping on persons who are deemed to be either “mentally defective” or committed to a mental institution, convicted of a domestic violence misdemeanor, or subject to a domestic violence restraining order.

<sup>92</sup> Jonathan M. Metzl and Kenneth T. MacLeish, “Mental Illness, Mass Shootings, and the Politics of American Firearms,” *American Journal of Public Health*, February 2015, vol. 105(2), p. 247; cited in Yasmin Anwar, “Psychotic Hallucinations, Delusions Rarely Precede Violence,” *Psychology and Psychiatry*, May 12, 2015, <http://medicalxpress.com/news/2015-05-psychotic-hallucinations-delusions-rarely-violence.html>.

what a national database of “mentally incompetent and unstable” individuals means to the United States for the purposes of gun control. The current definition of “mental defective” is wide enough in scope that it may be many years, or perhaps never at all, before a significant percentage of records on all the persons who potentially fall under the current definition of “adjudicated mental defective” are comprehensively collected and placed in a database for the purposes of federal gun control.<sup>93</sup> Congress might also want to consider revisiting the NICS Improvement Amendments Act of 2007 (P.L. 110-180) to explore possibilities to address issues related to improving the electronic information sharing on persons with histories of mental illness and instability, as well as drug and alcohol abuse, with the FBI for the purposes of gun control.<sup>94</sup>

## Other Felony Mass Shootings and Unsolved Mass Murder Cases

A significant percentage, more than a fifth, of “other felony mass shootings” appears to remain unsolved. As demonstrated above, for “other felony mass shootings,” 27 of 124 cases were unsolved according to available press accounts. While that represents a clearance rate of nearly four-fifths of those incidents (78.2%), it could be a source of concern for some policymakers that quadruple or greater homicides—particularly mass shootings—in any community in the United States could remain unsolved. As the data show, a large percentage of those incidents were drug- and/or gang-related and often occurred in communities blighted by high poverty and other social ills. As one of the worst manifestations of gun violence, Congress could explore the reasons why these “mass shootings” remain possibly unsolved. Is it a lack of resources and/or ineffective policing? Are witnesses and others with knowledge of these murders afraid to come forward, for fear that criminals will retaliate against them and their families? Are these unsolved “mass shootings” indicative of communities whose trust in the police has become so diminished over the years that those communities collectively show greater affinity with the murderers than the police? While there are no clear answers to these questions, multiple victim homicide rates and unsolved “mass shootings” could possibly be one factor that could help policymakers more effectively target federal law enforcement assistance and intervention into high-crime areas.

<sup>93</sup> One observer stated: “If you focus on mental illness, all you get is a huge number of false positives.” See John Nicoletti, “Active Shooters See Themselves As Avengers, Acting Upon a Real or Perceived Injustice,” in *Police Response to Active Shooter Incidents* (Police Executive Research Forum, March 2014), p. 29.

<sup>94</sup> For further information about proposals to expand firearms ineligibility criteria, see Consortium for Risk-Based Firearm Policy, *Guns, Public Health, and Mental Illness: An Evidence-Based Approach for Federal Policy*, December 11, 2013, 38 pp.

## Appendix A. Review of Research on the Prevalence of Multiple Homicides, Mass Murder, and Patterns of Mass Murder

A handful of criminologists, statisticians, sociologists, and journalists have evaluated the single, most comprehensive source of homicide data in the United States as a means to gauge the frequency and deadliness of multiple victim homicides and “mass murder” committed with firearms and other weapons.

### Bureau of Justice Statistics Estimates of Multiple Victim Homicides

Based on its analysis of the FBI-SHR data, the DOJ Bureau of Justice Statistics (BJS) has provided CRS with data on the prevalence of multiple victim homicide incidents (by firearms and all other means) and associated murder victim counts for the years 1980 through 2011. To keep BJS data parallel with CRS data presented in this report, the BJS data presented and discussed in the next two tables (and figures) below are only for 1999 to 2011. It is significant to note that BJS statistically weighted its estimates to account for non-reporting and other known Supplementary Homicide Report (SHR) data limitations.<sup>95</sup>

**Table A-1. BJS-Estimated Single, Double, Triple, or Four or More Victim Homicide Incidents**  
13-Year Period, 1999 to 2011

Year	All Homicide Incidents <sup>a</sup>	Single Victim	% of total	Double Victim	% of total	Triple Victim	% of total	Four or More Victim	% of total
1999	14,682	14,022	95.51%	550	3.75%	72	0.49%	37	0.26 %
2000	14,850	14,250	95.96%	504	3.39%	70	0.47%	26	0.18 %

<sup>95</sup> The SHR are beset with several significant data limitations with regard to multiple victim homicides. First and foremost, some states and localities do not participate, do not participate fully, or participate intermittently in the SHR program. Second, federal and tribal law enforcement agencies do not participate at all in the SHR program. Third, the FBI does not exercise direct control over how data are submitted. As a result, some potential difficulties in evaluating SHR data include

- Several single victim murder incidents might be reported on the same form; hence, they appear to be a multiple murder incident;
- A single multiple homicide incident might be reported as several incidents, one for each victim; or
- A single incident might be reported as a multiple homicide, because wounded were misreported as killed.

Fourth, incidents are reported by month and year, and not the actual day of occurrence. Consequently, the recorded month and year sometimes reflect when the incident was reported and not when it actually occurred. Fifth, in some, but not all, cases, the SHR data do not reflect the final disposition of the case, since the reports are based on the opening of an investigation and do not necessarily reflect the closing of an investigation and final legal action (e.g., trial and conviction).



*Mass Murder with Firearms: Incidents and Victims, 1999-2013*

Year	All Homicide Incidents <sup>a</sup>	Single Victim	% of total	Double Victim	% of total	Triple Victim	% of total	Four or More Victim	% of total
2001	15,233	14,561	95.59%	571	3.75%	81	0.53%	20	0.13%
2002	15,340	14,630	95.38%	582	3.80%	93	0.60%	34	0.22%
2003	15,554	14,805	95.18%	612	3.94%	91	0.58%	46	0.30%
2004	15,331	14,666	95.66%	563	3.67%	72	0.47%	30	0.19%
2005	15,855	15,135	95.46%	596	3.76%	98	0.62%	26	0.17%
2006	16,384	15,656	95.56%	598	3.65%	89	0.54%	41	0.25%
2007	16,234	15,524	95.62%	596	3.67%	84	0.52%	30	0.19%
2008	15,577	14,872	95.47%	583	3.74%	86	0.55%	37	0.24%
2009	14,498	13,776	95.02%	613	4.23%	72	0.50%	37	0.25%
2010	13,910	13,250	95.25%	552	3.97%	80	0.58%	28	0.20%
2011	13,743	13,048	94.94%	564	4.10%	108	0.78%	24	0.17%
Totals <sup>b</sup>	197,191	188,195	95.44%	7484	3.80%	1096	0.56%	416	0.21%

**Source:** U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

**Notes:** The figures in this table are not actual incident counts. They are statistical estimates based upon Bureau of Justice Statistics analysis of Federal Bureau of Investigation (FBI) Supplementary Homicide Reports.

- "All homicide incidents" include "murders and nonnegligent manslaughter."
- Totals may differ from the sum of the components due to rounding.

As shown in **Table A-1**, for that decade, it can be extrapolated that there were on average approximately 32 four or more victim homicides per year from 1999 to 2011. Those four or more victim homicides accounted for about two-tenths of one percent (0.21%) of all incidents of murder and nonnegligent manslaughter for that decade.

**Table A-2. BJS-Estimated Single, Double, Triple, Four or More Homicide Victims**  
13-Year Period, 1999 to 2011

Year	All Homicide Victims <sup>a</sup>	Single Victim	% of total	Double Victim	% of total	Triple Victim	% of total	Four or More Victim	% of total
1999	15,522	14,022	90.34%	1,100	7.09%	217	1.40%	183	1.18%
2000	15,586	14,250	91.43%	1,007	6.46%	209	1.34%	119	0.77%

Mass Murder with Firearms: Incidents and Victims, 1999-2013

Year	All Homicide Victims <sup>a</sup>	Single Victim	% of total	Double Victim	% of total	Triple Victim	% of total	Four or More Victim	% of total
2001	16,037	14,561	90.79%	1,142	7.12%	244	1.52%	90	0.56%
2002	16,229	14,630	90.15%	1,165	7.18%	278	1.71%	156	0.96%
2003	16,528	14,805	89.57%	1,224	7.41%	272	1.65%	226	1.37%
2004	16,148	14,666	90.82%	1,127	6.98%	216	1.34%	140	0.87%
2005	16,740	15,135	90.41%	1,192	7.12%	294	1.75%	120	0.71%
2006	17,309	15,656	90.45%	1,195	6.90%	266	1.54%	191	1.10%
2007	17,128	15,524	90.63%	1,191	6.96%	253	1.48%	160	0.93%
2008	16,465	14,872	90.32%	1,165	7.08%	257	1.56%	171	1.04%
2009	15,399	13,776	89.46%	1,226	7.96%	217	1.41%	180	1.17%
2010	14,722	13,250	90.00%	1,105	7.50%	240	1.63%	127	0.86%
2011	14,612	13,048	89.30%	1,128	7.72%	323	2.21%	114	0.78%
Totals <sup>b</sup>	208,425	188,195	90.29%	14,967	7.18%	3286	1.58%	1977	0.95%

Source: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Notes: The figures in this table are not actual victim counts. They are statistical estimates based upon Bureau of Justice Statistics analysis of Federal Bureau of Investigation (FBI) Supplementary Homicide Reports.

a. "All homicide victims" include victims of "murders and nonnegligent manslaughter."

b. Totals may differ from the sum of the components due to rounding.

Correspondingly, as shown in Table A-2, for that 13-year period it can be extrapolated that there were on average approximately 152 murder victims per year associated with those four or more victim homicides, or about 4.75 victims per incident. Those victims accounted for 1.58% of all homicide victims for that 13-year period, which is an increase of less than one percent for the 32-year period (1980-2011). It is worth noting that, in addition to being mass murders, some of those four or more victim homicide incidents were "serial murders" and "spree murders" that extended past one event, or roughly 24 hours in the case of some spree murders.

For 2011, BJS estimated that about two-thirds (67.1%) of all homicides involved firearms, and about half (49.4%) of all homicides involved handguns.<sup>96</sup> Consequently, about one-sixth (17.7%) of murders involved firearms other than handguns. In addition, the percentage of murders committed with firearms increased for multiple victim homicides over similar homicides committed by some other means (e.g., stabbing, strangulation, bludgeoning, or arson). For example, for 2011, BJS estimated that about two-thirds (66.5%) of single victim homicides, more than three-quarters (77.3%) of double victim homicides, more than four-fifths (82.3%) of triple victim homicides, and more than nine-tenths (90.8%) of four or more victim homicides (possibly mass murders) involved at least some firearms.<sup>97</sup>

<sup>96</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Homicide in the U.S. Known to Law Enforcement*, 2011, December 2013, NCJ 243055, by Erica L. Smith and Alexia Cooper, p. 14.

<sup>97</sup> Ibid.

For 2011, BJS estimated further that the percentage of multiple victim homicide incidents committed with rifles<sup>98</sup> or shotguns<sup>99</sup> (long guns), as opposed to handguns,<sup>100</sup> increased significantly as well. For that year, about one-quarter (25.3%) of double homicides, more than one-third (35.2%) of triple homicides, and nearly one-half (46.6%) of four or more victim homicides were committed with firearms other than a handgun.<sup>101</sup>

According to BJS, multiple murders and nonnegligent manslaughter incidents, in which an offender or offenders killed four or more victims, are arguably statistically infrequent, notwithstanding the trauma inflicted on the victims, their families, and society as a whole. Over the 13-year period (1999-2011), there were 416 such incidents, in which 1,977 victims perished. In other words, those incidents accounted for about two-tenths of a percent (0.21%) of all BJS-reported murders and nonnegligent manslaughter incidents, or about 32.0 incidents per year on average.<sup>102</sup> Murder victims in those incidents accounted for almost one percent (0.95%) of all BJS-reported murder and nonnegligent manslaughter victims, or 152 victims per year on average.<sup>103</sup> **Figure 1** demonstrates both the number of incidents and the number of victims attributable to multiple murder and nonnegligent manslaughter.

<sup>98</sup> *Rifle* means a weapon designed to be fired from the shoulder that uses the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger (18 U.S.C. §921(a)(7)).

<sup>99</sup> *Shotgun* means a weapon designed to be fired from the shoulder that uses the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger (18 U.S.C. §921(a)(5)).

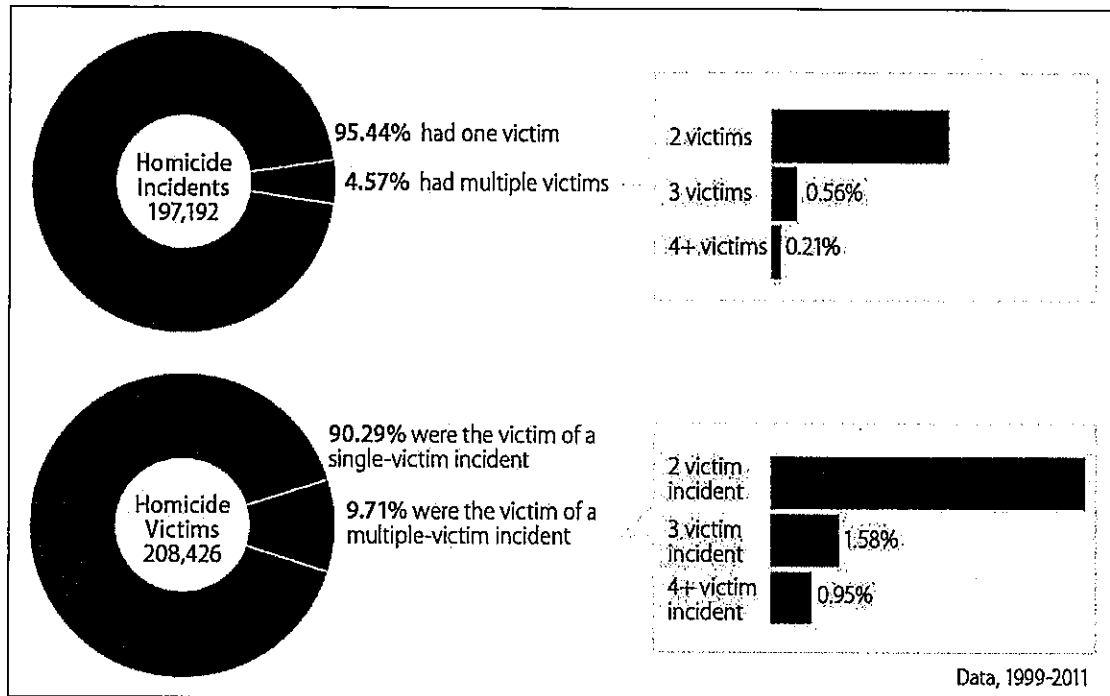
<sup>100</sup> *Handgun* means (a) any firearm that has a short stock and is designed to be held and fired by the use of a single hand; and (b) any combination of parts from which a handgun can be assembled (18 U.S.C. §921(a)(29)).

<sup>101</sup> *Ibid.*

<sup>102</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Homicide in the U.S. Known to Law Enforcement*, 2011, December 2013, NCJ 243055, by Erica L. Smith and Alexia Cooper, p. 14, <http://www.bjs.gov/content/pub/pdf/hs11.pdf>.

<sup>103</sup> *Ibid.*

**Figure A-1. Homicide Incidents and Victims by Total Victim Count, FY1999-2011**



Source: CRS analysis of data from the Bureau of Justice Statistics.

It is noteworthy that the BJS data includes all four or more victim murder and nonnegligent manslaughter incidents. Those four or more victim homicide incidents include both firearms and non-firearms-related homicides, although firearms were likely used in at least two-thirds and possibly as many as three-quarters of those incidents.<sup>104</sup> Also, those BJS-reported incidents possibly include spree and serial murders, which are often, but not always, distinct from mass murders. On occasion, they could also include vehicular murders and manslaughters.

Mass shootings make up a smaller percentage of murder and nonnegligent manslaughter incidents. For the 13-year period (1999-2011), CRS data show that at least 272 (0.14%) of the BJS-reported 197,191 murder and nonnegligent manslaughter incidents were mass shootings, accounting for 1,316 (0.63%) of the 208,425 homicide victims in those incidents. CRS analysis shows further that those “mass shooting” incidents could be characterized as follows:

- “Mass public shootings” accounted for 54 incidents (0.03%) and 348 victims slain (0.17%);

<sup>104</sup> As discussed above, data provided to CRS by the Department of Justice’s Bureau of Justice Statistics suggest that there were about 32 four or more victim homicide incidents per year in the United States for the 13-year period (1999-2011). Based on the *USA Today* dataset, moreover, for the eight-year period (2006-2013), it can be surmised that on average annually for that timespan offenders committed 30.25 mass murders, of which 21.5 were mass shootings, 1.13 were mass murders that were partially related to firearms, meaning some, but not all of the victims were murdered with firearms. Another 7.63 mass murders involved no firearms. Based on both datasets, it can be extrapolated that the United States sees about 30 mass murders per year for the past 30 years. Of those mass murders, it can be postulated that about three-quarters are possibly firearms-related.

- “Familicide mass shootings” accounted for 111 incidents (0.06%) and 507 victims slain (0.24%); and
- “Other felony mass shootings” accounted for about 107 incidents (0.05%) and 461 victims slain (0.22%).

Of the 416 BJS-reported four or more victim murder and nonnegligent manslaughter incidents, CRS data show that at least 272 incidents (65.38%) were mass shootings, in which at least four victims were shot to death with a firearm in a single incident. Those mass shooting murder victims accounted for 1,316 (66.57%) of the 1,977 victims of BJS-reported four or more victim murder and nonnegligent manslaughter incidents.

In addition, based on BJS-reported triple and four or more victim murders and nonnegligent manslaughter incidents for the 13-year period (1999-2011), it can be extrapolated that a dataset of three or more victim homicides would include about 116 incidents per year on average, which would include approximately 84 triple homicide incidents and 32 four or more victim incidents on average per year. Similarly, it can be extrapolated that a 13-year (1999-2011) dataset would include about 80 three or more victim homicide incidents per year committed entirely with firearms, of which at least 21 would be four or more victim mass shootings.

### ***Extreme Killing, by James Alan Fox and Jack Levin***

Two criminologists, James Alan Fox and Jack Levin, also analyzed FBI-SHR data and established estimates of the frequency of mass murder in the United States.<sup>105</sup> In 1985, Fox and Levin adopted the following definition: “mass murder consists of the slaughter of four or more victims by one or a few assailants within a single event, lasting anywhere from a few minutes to as long as several hours.”<sup>106</sup> Like BJS, Fox and Levin statistically weighted their estimates to account for non-reporting and other known SHR data limitations. Their methodology has been professionally and academically peer-reviewed.

Based on their analysis of the FBI-SHR data, as well as Florida state homicide reports, Fox and Levin estimated that there were 927 incidents of mass murder in the United States from 1976 to 2011, resulting in the murders of 4,330 victims.<sup>107</sup> Based on these estimates, it can be extrapolated that offenders committed 25.8 mass murders on average annually, killing about 4.7 murder victims per incident for that 36-year period. Of those mass murder incidents, an estimated 721 (77.8%) involved firearms.<sup>108</sup> In other words, Fox and Levin estimated that firearms were the offender “weapon of choice” in approximately 20 out of 26 mass murder incidents annually over that 36-year time period.<sup>109</sup>

Like the CRS 15-year dataset (1999-2013), however, the Fox and Levin 36-year dataset (1976-2011) indicated that the frequency of mass murders and mass shootings and their corresponding

<sup>105</sup> Fox was also instrumental in making those annual datasets available on the Internet through the University of Michigan’s Inter-University Consortium for Political and Social Research, <http://www.icpsr.umich.edu/icpsrweb/landing.jsp>.

<sup>106</sup> Fox and Levin, *Extreme Killing*, 2014, p. 162.

<sup>107</sup> *Ibid*, p. 163.

<sup>108</sup> *Ibid*, p. 165.

<sup>109</sup> *Ibid*, p. 165.

death tolls varied a good deal from year to year, but with no discernable, statistically significant tendency to increase or decrease over that time period, because the increases and decreases generally ranged within the error rate of roughly plus or minus five incidents.<sup>110</sup>

In their book *Extreme Killing*, Fox and Levin noted the challenges faced by researchers who had attempted to create mutually exclusive typologies or taxonomies of multiple murders or mass murderers based on factors like offender motive, incident location, or victim selection.<sup>111</sup> While they discussed at length profiles of mass murderers, such as “family annihilators,” “problem workers,” and “disgruntled students,” they refrained from providing statistical breakouts based on those profiles. On the other hand, they provided data for other characteristics like offender-victim relationships and circumstances (felony, argument, other), which have traditionally been delimited as part of the UCR-SHR program.

## Mass Murder in the United States: A History, by Grant Duwe

Criminologist Grant Duwe analyzed the FBI-SHR data for the years 1976 through 1999, and presented his findings in his 2007 book, *Mass Murder in the United States: A History*.<sup>112</sup> For that 24-year period, Duwe counted at least 649 mass murders, for an average of 27 mass murders per year.<sup>113</sup> Those mass murders on average resulted in an associated casualty rates of 5.2 murder victims and 4.31 wounded victims per incident.<sup>114</sup> Duwe also estimated that about 69% of those mass murder incidents involved firearms.<sup>115</sup> He estimated further that an “assault weapon” was used in about 3% of those 649 mass murder incidents.<sup>116</sup>

With regard to the FBI-SHR data, it is significant to note that Duwe identified 55 mass murders that were not reported to the FBI, but were reported in the press.<sup>117</sup> From the SHR data, moreover, he eliminated 71 cases that were not mass murders, either because they were inaccurately recorded (64), or were spree murders that occurred over a 24-hour period or serial murders (7).<sup>118</sup>

Duwe postulated that mass shootings in public spaces likely increased from 1966 through 1999. He labeled such mass shootings, “mass public shootings.” While he did not specifically define this term in his 2007 book, he later told the *Washington Post* that he defined “mass public shooting” to mean “any incident in which four or more victims are killed publically in a workplace, school, restaurant, or other public place with guns and within 24 hours.”<sup>119</sup> He postulated further that the frequency with which mass public shootings have occurred began to “accelerate” in the 1960s, and “accelerated rapidly” in the 1980s and 1990s.<sup>120</sup> Based on press

<sup>110</sup> Ibid, p. 163.

<sup>111</sup> Ibid, pp. 26-38.

<sup>112</sup> Grant Duwe, *Mass Murder in the United States: A History*, 2007.

<sup>113</sup> Ibid, p. 16.

<sup>114</sup> Ibid, p. 17.

<sup>115</sup> Ibid, p. 23.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid, p. 189.

<sup>118</sup> Ibid.

<sup>119</sup> Glenn Kessler, “Clinton’s Gun Remark Is off the Mark,” *Washington Post*, January 13, 2013, p. A02.

<sup>120</sup> Grant Duwe, *Mass Murder in the United States: A History*, 2007, p. 27.

accounts, he found that there were 21 reported mass public shootings from 1900 through 1965.<sup>121</sup> Based on FBI-SHR data and press accounts, he counted 95 “mass public shootings” from 1966 through 1999. Of those incidents, 60 had occurred during the 20-year period 1980 through 1999.<sup>122</sup> Hence, for that 20-year period, there were roughly three mass public shootings per year.

According to the *Washington Post*, in January 2013, Duwe provided the newspaper with updated and slightly revised estimates of mass public shootings.<sup>123</sup> According to Duwe, there were

- six incidents of mass public shootings in the 1960s (1960-1969),
- 13 in the 1970s,
- 32 in the 1980s,
- 42 in the 1990s, and
- 28 in the 2000s.<sup>124</sup>

He reported further that there were 14 incidents from 2010 through 2012, but it was in his view too early to tell whether this trend would continue throughout the decade.<sup>125</sup> The year 1991 was the worst year with eight incidents of mass public shootings.<sup>126</sup> The years 1999 and 2012 were the second worst years with seven incidents per year.<sup>127</sup>

In addition to mass public shootings, Duwe identified five other historical patterns of mass murder:

- “workplace violence,”
- “familicides,”
- “felony-related massacres,”
- “gang-related massacres,” and
- “drug-related massacres.”

It is significant to note that, for Duwe’s data collection and reporting, these patterns are not mutually exclusive. For example, firearms-related “workplace violence” incidents could be a subset of “mass public shootings.” Similarly, “drug- and gang-related massacres” could be a subset of “felony-related massacres.”

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Glenn Kessler, “Clinton’s Gun Remark Is off the Mark,” *Washington Post*, January 13, 2013, p. A02.

<sup>124</sup> Ibid. By comparison, the CRS mass shootings dataset indicates that there were at least 4.1 mass public shootings per year in the 2000s, and 4.5 per year so far in 2010s (through 2013). In consultation with Duwe, CRS also re-evaluated Duwe’s dataset for the 1970s, 1980s, and 1990s, and revised these decade-long averages slightly downward, by eliminating certain mass shootings, which upon further examination could be characterized as familicides or object-oriented other felony mass shootings.

<sup>125</sup> Ibid. CRS analysis of the SHR data, supplemented with press accounts, indicates that there were at least five public mass shootings in 2013, the most of deadly of which was the September 16, 2013, Washington, DC, Navy Yard shooting.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.



### **“Mass Killings,” by *USA Today***

In December 2013, *USA Today* ran an article on mass killings by Meghan Hoyer,<sup>128</sup> based on an eight-year dataset (2006-2013) that Hoyer had compiled and analyzed with her colleagues Mark Hannon, Paul Overburg, and Jodi Upton.<sup>129</sup> Like Duwe, Hoyer and her colleagues also verified the mass murders reported to the FBI by checking press accounts and police reports. In addition, they supplemented their data with mass murders reported in the press, but not reported to the FBI. According to Hoyer and colleagues, offenders committed roughly 242 mass murders, resulting in the deaths of four or more victims, during the eight-year period (2006-2013), or an average of 30.3 incidents per year, and 4.98 victims per incident.<sup>130</sup> Of those mass murders, on average annually:

- 21.5 incidents were “mass shootings” with 5.1 victims per incident,
- 1.25 incidents were “mass murders” with 4.8 victims per incident that involved at least some firearms, and
- 7.5 incidents were “mass murders” with 4.3 victims per incident and did not involve firearms (for a small percentage of incidents (2.1%), the murder weapons were unknown).<sup>131</sup>

<sup>128</sup> Meghan Hoyer, “Behind the Bloodshed: In Mass Killings, One-Third of the Victims Are Kids,” *USA Today*, December 4, 2013, pp. 1A-2A.

<sup>129</sup> “Explore the Data on U.S. Mass Killings Since 2006,” *USA Today*, <http://www.usatoday.com/story/news/nation/2013/09/16/mass-killings-data-map/2820423/>.

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*



## Appendix B. CRS-Verified Mass Shootings, Mass Public Shootings, Familicides, and Other Felony Mass Shootings Data Tables

The tables B-1 through B-7 include the data represented in Figures 1-7 above in the body of this report.

**Table B-1. Mass Shootings**  
(1999-2013)

YEAR	Incidents	Killed	Wounded	Total Casualties	% Killed	%Wounded
1999	21	113	58	171	66.1%	33.9%
2000	18	86	8	94	91.5%	8.5%
2001	13	53	7	60	88.3%	11.7%
2002	23	102	10	112	91.1%	8.9%
2003	29	125	29	154	81.2%	18.8%
2004	15	69	11	80	86.3%	13.8%
2005	18	84	14	98	85.7%	14.3%
2006	22	103	9	112	92.0%	8.0%
2007	20	120	35	155	77.4%	22.6%
2008	26	119	28	147	81.0%	19.0%
2009	26	145	77	222	65.3%	34.7%
2010	17	82	19	101	81.2%	18.8%
2011	24	115	37	152	75.7%	24.3%
2012	20	122	73	195	62.6%	37.4%
2013	25	116	26	142	81.7%	18.3%
TOTAL	317	1554	441	1,995	77.9%	22.1%

**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** "Mass shooting" means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and in one or more locations in close geographical proximity.

*Mass Murder with Firearms: Incidents and Victims, 1999-2013*

**Table B-2. Mass Public Shootings at Workplace, Schools, Restaurants, and Other Public Places**  
(1999-2013)

YEAR	Incidents	Killed	Wounded	Total Casualties	% Killed	%Wounded
1999	7	51	53	104	49.0%	51.0%
2000	3	17	1	18	94.4%	5.6%
2001	3	12	7	19	63.2%	36.8%
2002	4	18	6	24	75.0%	25.0%
2003	4	20	9	29	69.0%	31.0%
2004	3	15	11	26	57.7%	42.3%
2005	3	20	11	31	64.5%	35.5%
2006	5	27	9	36	75.0%	25.0%
2007	5	55	33	88	62.5%	37.5%
2008	5	26	22	48	54.2%	45.8%
2009	6	52	54	106	49.1%	50.9%
2010	2	12	5	17	70.6%	29.4%
2011	4	23	25	48	47.9%	52.1%
2012	7	67	69	136	49.3%	50.7%
2013	5	31	14	45	68.9%	31.1%
TOTAL	66	446	329	775	57.5%	42.5%

**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** "Mass public shooting" means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and at least some of the murders occurred in a public location or locations in close geographical proximity (e.g., a workplace, school, restaurant, or other public settings), and the murders are not attributable to any other underlying criminal activity or commonplace circumstance (armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

**Table B-3. Familicide Mass Shootings**  
(1999-2013)

YEAR	Incidents	Killed	Wounded	Total Casualties	% Killed	%Wounded
1999	7	32	2	34	94.1%	5.9%
2000	7	31	0	31	100.0%	0.0%
2001	6	25	0	25	100.0%	0.0%
2002	10	45	1	46	97.8%	2.2%
2003	8	35	5	40	87.5%	12.5%
2004	5	25	0	25	100.0%	0.0%
2005	5	22	1	23	95.7%	4.3%
2006	6	28	0	28	100.0%	0.0%
2007	9	41	1	42	97.6%	2.4%

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YEAR	Incidents	Killed	Wounded	Total Casualties	% Killed	%Wounded
2008	12	54	3	57	94.7%	5.3%
2009	13	57	2	59	96.6%	3.4%
2010	7	37	2	39	94.9%	5.1%
2011	16	75	12	87	86.2%	13.8%
2012	7	29	4	33	87.9%	12.1%
2013	9	40	4	44	90.9%	9.1%
TOTAL	127	576	37	613	94.0%	6.0%

**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, and agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** “Familicide mass shooting” means a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and a majority of the victims were members of the offender’s immediate or extended family, the majority of whom were murdered in one or more private residences or secluded, sparsely populated settings in close geographical proximity, and the murders are not attributable to any other underlying criminal activity or commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

**Table B-4. Other Felony Mass Shootings**  
(1999-2013)

YEAR	Incidents	Killed	Wounded	Total Casualties	% Killed	%Wounded
1999	7	30	3	33	90.9%	9.1%
2000	8	38	7	45	84.4%	15.6%
2001	4	16	0	16	100.0%	0.0%
2002	9	39	3	42	92.9%	7.1%
2003	17	70	15	85	82.4%	17.6%
2004	7	29	0	29	100.0%	0.0%
2005	10	42	2	44	95.5%	4.5%
2006	11	48	0	48	100.0%	0.0%
2007	6	24	1	25	96.0%	4.0%
2008	9	39	3	42	92.9%	7.1%
2009	7	36	21	57	63.2%	36.8%
2010	8	33	12	45	73.3%	26.7%
2011	4	17	0	17	100.0%	0.0%
2012	6	26	0	26	100.0%	0.0%
2013	11	45	8	53	84.9%	15.1%
TOTAL	124	532	75	607	87.6%	12.4%

**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, and agency press releases, and other compilations by mass media and advocacy groups.

**Notes:** “Other felony mass shooting” means a multiple victim homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, in one or more locations in close geographical proximity, and the murders are attributable to some other underlying criminal activity or

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commonplace circumstance (e.g., armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).

**Table B-5. Patterns of Mass Shootings and Associated Casualty Rates by Incident and Offender(s), 1999-2013**

Mass Shooting Categories	Incidents	Offenders	Killed	Wounded	Killed per Incident	Wounded per Incident	Killed per Offender(s)	Wounded per Offender(s)
Public	66	68	446	329	6.8	5.0	6.6	4.8
Familicide	127	129	576	37	4.5	0.3	4.5	0.3
Other "Felony"	124	235	532	75	4.3	0.6	2.3	0.3
Total	317	432	1,554	441	4.9	1.4	3.6	1.0

**Source:** CRS analysis of FBI Supplementary Homicide Reports, press accounts, agency press releases, and other compilations by mass media and advocacy groups.

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## Mass shootings not trending

Posted by James Alan Fox, Crime and Punishment

January 23, 2013 08:00 AM

Last Saturday night, a 15-year boy allegedly murdered his parents and three siblings at the family home outside of Albuquerque, N.M. Should we add it to the list of recent mass shootings about which all of America is talking? Of course we should, although according to at least one influential news source it shouldnâ€™t be a part of the discussion.

In the ongoing public debate over the causes and solutions to mass shootings, the overwhelming consensus is that mass shootings are on the rise. President Obama mentioned recent deadly rampages while releasing his multi-faceted gun reform proposal. And although former President Bill Clinton may have exaggerated in suggesting that half of all mass killings in the United States have occurred since the 2005 expiration of the Federal assault weapon ban, many Americans sense that these incidents have become much more frequent.

Of course, perceptions are not always in line with reality, and they are more strongly influenced by recent events than by those that occurred well in the past. Given the widely-publicized and exceptionally dreadful mass shootings in Colorado last summer and in Connecticut last month, it is rather easy to believe that mass murder, particularly those involving firearms, is a growing menace. Yet the growing menace lies more in our fears than in the facts.

To a large extent the notion that mass shootings are trending is based on the often-cited reporting by Mother Jones, an award-winning online news organization. Mother Jones assembled a data tally of â€œrandomâ€ mass shootings over the past couple of decades derived from news reports and collective memories of events, and concluded that mass shootings are indeed on the increase.

After much debate over parameters, Mother Jones settled on several criteria for inclusion in its mass shootings database, specifically:

The killings were carried out by a lone shooter. (Except in the case of the Columbine massacre and the Westside Middle School killings, both of which involved two shooters.)

The shootings happened during a single incident and in a public place. (Public, except in the case of a party in Crandon, Wisconsin, and another in Seattle.) Crimes primarily related to armed robbery or gang activity are not included.

The shooter took the lives of at least four people. An FBI crime classification report identifies an individual as a mass murderer-as opposed to a spree killer or a serial killer-if he kills four or more people in a single incident (not including himself), and typically in a single location.

If the shooter died or was hurt from injuries sustained during the incident, he is included in the total victim count. (But we have excluded cases in which there were three fatalities and the shooter also died, per the previous criterion.)

We included six so-called "spree killings"-prominent cases that fit closely with our above criteria for mass murder, but in which the killings occurred in multiple locations over a short period of time.

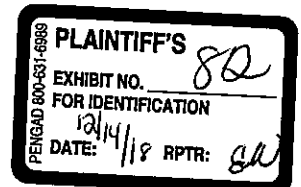
Not only is Mother Jonesâ€™s decision to disqualify cases based on certain criteria hard to defend, the criteria themselves were not necessarily applied consistently. Mother Jones included the 1993 Chuck E. Cheese robbery/massacre of four people committed by a former employee, but excluded the Brownâ€™s Chicken robbery/massacre of seven victims that occurred the very same year, presumably because two perpetrators were involved in the latter incident or perhaps because these gunmen had no prior connection to the restaurant.

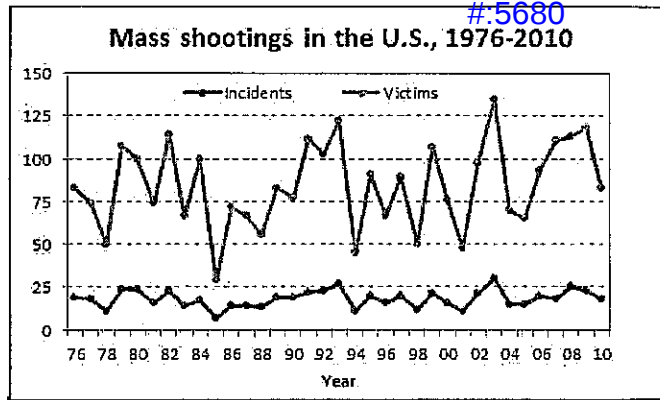
Mother Jones also eliminated massacres involving family members, even though they too can involve large body counts, such as the massacre of 14 relatives and two others by R. Gene Simmons of Russellville, Ark. in 1987. Other massive shootings, like the execution-style slaughter of 13 in a Seattle club in 1983, were ignored because of their relation to gang activity or some criminal enterprise. Particularly mystifying is the decision not to include cases involving multiple perpetrators yet to waive this condition for two school shootings.

Notwithstanding the questionable motive-based selectivity built into the Mother Jones analysis, it seems odd to ignore shootings with large death tolls just because there was more than one shooter or because the shooter was related to his or her victims. These incidents are no less devastating to the families and communities impacted by the crimes.

So how does the Mother Jones report of a rise in mass shootings stand up when considering the full range of cases? Simply put, not very well.

The figure below displays the number of mass shootings -- incidents and victims -- from 1976 through 2010. These reflect all mass shootings in which at least four victims were killed that had been reported to the FBI by local law enforcement authorities as part of the routine collection of crime statistics. Unlike the Mother Jones approach, these data do not exclude cases based on motive, location, or victim-offender relationship. They only exclude incidents in which fewer than four victims (other than the assailant) were killed, murders committed with a weapon other than a firearm, or isolated cases that may have occurred in jurisdictions that did not report homicide data to the FBI. Also, only because of the usual time lag in crime reporting, the figures for 2011 in 2012 are not yet available.





According to these expanded figures, there have been, on average, nearly 20 mass shootings a year in the United States. Most, of course, were nowhere as deadly as the recent massacres in Colorado and Connecticut that have countless Americans believing that a new epidemic is upon us and have encouraged healthy debate concerning causes and solutions. Notwithstanding the awful tragedies of this past year, there has been no upward trend in mass shootings.

What is abundantly clear from the full array of mass shootings, besides the lack of any trend upward or downward, is the largely random variability in the annual counts. There have been several points in time when journalists and other people have speculated about a possible epidemic in response to a flurry of high profile shootings. Yet these speculations have always proven to be incorrect when subsequent years reveal more moderate levels.

The year 1991, for example, saw a man kill 23 people at a cafeteria in Killeen Tex., and a disgruntled graduate student murder five at the University of Iowa, along with other sensationalized incidents. The surge in mass killings was so frightening that a rumor spread around the nation that there would be a mass murder at a college in the Northeast on Halloween. Fortunately, October 31 came and went without anything close to a massacre taking place.

Two years later, in 1993, the nation was shaken by a series of workplace shootings, which encouraged a number of syndicated talk shows to air special programs about "ticking time bombs at the office." Despite the sudden spike in workplace homicide, the incidence of workplace murders actually declined throughout the 1990s.

The only silver lining to the tragedies of 2012 is that they have generated considerable momentum for tackling the root causes of mass murder. Whether the sense of urgency is sustained long enough for change in law or policy to be implement remains to be seen.

And, if changes do occur, how will we know if they have the desired effect? Given the relative rarity of mass murder, a drop can just as easily (and more likely) reflect the downturn that usually and naturally occurs following a spike. The somewhat comforting news should be that in all probability, 2013 will be an improvement over 2012, at least in terms of mass murder, whether we respond proactively or just talk about it.

Author's note: You can follow me on twitter at @jamesalanfox or Facebook at Professor James Alan Fox for notifications of new blog postings. Also, you can find me on the Web at [www.jamesalanfox.com](http://www.jamesalanfox.com) or contact me by e-mail at [j.fox@neu.edu](mailto:j.fox@neu.edu).

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Mass shootings have taken place consistently throughout American history, in every region of the country. Over the last 30 years, however, assault weapons and firearms equipped with large-capacity ammunition magazines—which hold more than 10 rounds—have proliferated, allowing assailants to become much more destructive. As the following analysis shows, the results have been deadly for Americans.

As part of our non-partisan mission to prevent violence at the Citizens Crime Commission of New York City, we track mass shootings. Our *Mass Shooting Incidents in America* database catalogs shootings in which four or more victims were killed in a public place unrelated to another crime since 1984. Between June 1984 and June 2016, there were 72 such incidents—46 (64%) of

which involved a perpetrator armed with an assault weapon or firearms equipped with a large-capacity magazine.

Assault weapons and large-capacity ammunition magazines were outlawed for 10 years between 1994 and 2004 as part of the federal Assault Weapons Ban, providing us with periods for comparison in order to determine the ban's impact on mass shooting casualties. **The results are startling.**

Between June 1984 and June 2016, shooters who used assault weapons and large-capacity magazines killed or injured 301% more people than those who did not. There were nearly 1,000 victims in those incidents—186% more killed than when a non-assault weapon or regular-capacity magazine was used, and 523% more injured.

Perhaps the most important finding is that the federal ban clearly reduced mass shooting casualties: The number of people killed or injured in mass shootings involving assault weapons and large-capacity ammunition magazines during the decade of the ban was nearly half what it was in the decade before (145 v. 241); and it was a third of the number of casualties since (541 from September 2004 through June 2016).

SHOOTERS WHO USE ASSAULT WEAPONS AND LARGE-CAPACITY AMMUNITION MAGAZINES ARE MUCH MORE DESTRUCTIVE THAN THOSE WHO DO NOT.  
**THE RESULT HAS BEEN DEADLY FOR AMERICANS.**

Assault weapons and magazines holding more than 10 rounds were made illegal by the Assault Weapons Ban in 1994. Since it expired in 2004, the number of people killed and injured from mass shootings where an assault weapon or firearm equipped with a large-capacity magazine was used has **TRIPLED**.

**ASSAULT WEAPONS**  
&/OR >10 ROUNDS

**BEFORE BAN**  
6/1984 - 9/1994  
TOTAL INCIDENTS 18  
TOTAL VICTIMS 321



INCIDENTS 10  
KILLED 97  
WOUNDED 144  
TOTAL VICTIMS 241



**OTHER GUNS**  
≤10 ROUNDS

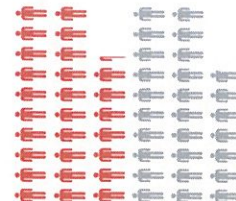
**DURING BAN**  
9/1994 - 9/2004  
TOTAL INCIDENTS 16  
TOTAL VICTIMS 177



INCIDENTS 11  
KILLED 65  
WOUNDED 80  
TOTAL VICTIMS 145



**AFTER BAN**  
9/2004 - 6/2016  
TOTAL INCIDENTS 38  
TOTAL VICTIMS 660



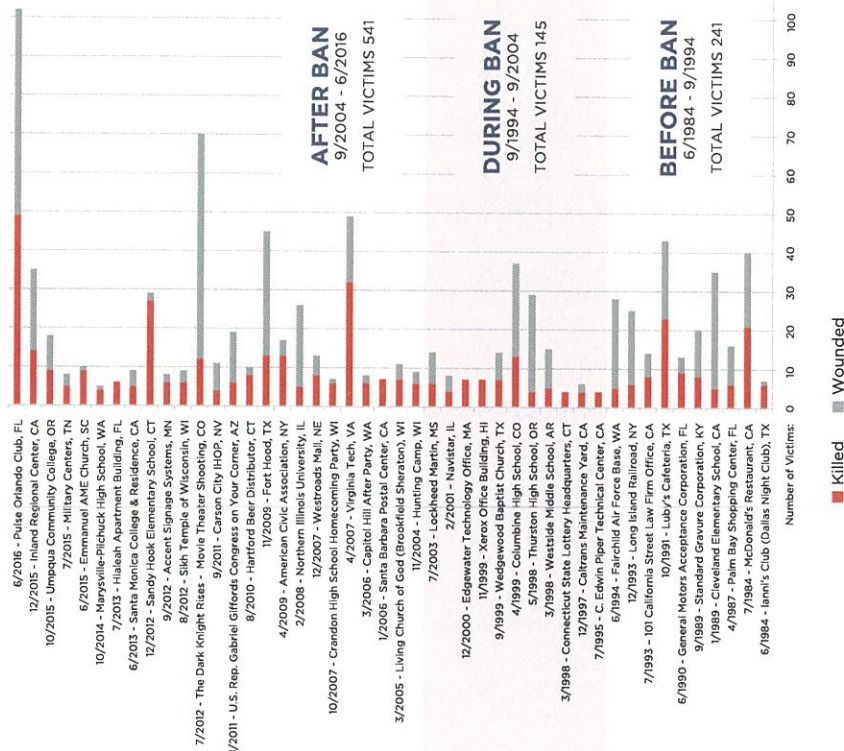
INCIDENTS 25  
KILLED 273  
WOUNDED 268  
TOTAL VICTIMS 541



10 VICTIMS

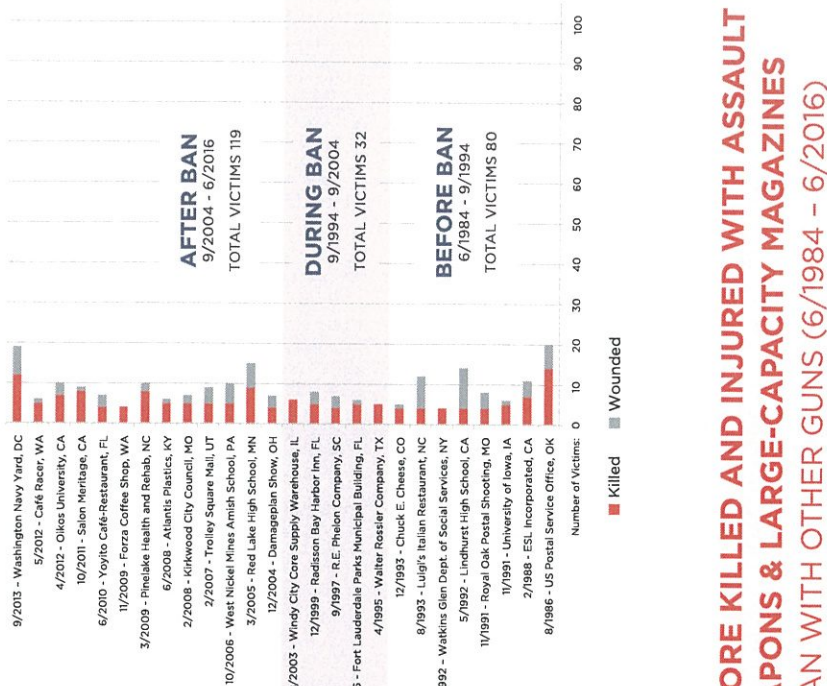


## ASSAULT WEAPONS & LARGE-CAPACITY MAGAZINES



MORE THAN HALF OF MASS SHOOTINGS BETWEEN JUNE 1984 AND JUNE 2016 INVOLVED A PERPETRATOR ARMED WITH AN ASSAULT WEAPON OR FIREARM EQUIPPED WITH A LARGE-CAPACITY AMMUNITION MAGAZINE.

## OTHER GUNS ≤10 ROUNDS



301% MORE KILLED AND INJURED WITH ASSAULT WEAPONS & LARGE-CAPACITY MAGAZINES THAN WITH OTHER GUNS (6/1984 - 6/2016)

ASSAULT WEAPONS &/OR >10 ROUNDS: 927

OTHER GUNS ≤10 ROUNDS: 231



# MAYHEM MULTIPLIED

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## MASS SHOOTERS & ASSAULT WEAPONS

### ACKNOWLEDGEMENTS

This analysis was prepared by Ashley Cannon, with assistance from Evan Thies, Colin Wolfgang , and Jack Schrader.

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For more information about the Crime Commission's Large-Capacity Ammunition Magazine Initiative and Mass Shooting Incidents in America database visit our website: [www.nycrimecommission.org](http://www.nycrimecommission.org)

Layout and design by Peter Green.

**THE CITIZENS CRIME COMMISSION OF NEW YORK CITY IS A NON-PARTISAN NON-PROFIT ORGANIZATION WORKING TO MAKE CRIMINAL JUSTICE AND PUBLIC SAFETY POLICIES AND PRACTICES MORE EFFECTIVE THROUGH INNOVATION, RESEARCH, AND EDUCATION.**

### METHODOLOGY

To identify mass shootings and the weapons used, the Crime Commission reviewed descriptions of shootings found in news reports and lists created by government entities and advocacy groups. For the purpose of the this report, mass shooting is defined as four or more victims killed. Additional analysis criteria: occurred in a public place, and was unrelated to another crime (e.g., robbery, domestic violence). Information for this analysis has been compiled from publicly available sources. Every effort has been made to obtain the most accurate information, however, contradictions may exist between this analysis and other sources. As the ATF does not require police departments to collect data related to the capacity of a firearm's ammunition magazine and the media does not always report the details of the weapons used, this analysis does not cover an exhaustive list of mass shootings.





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OF NEW YORK CITY

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# CITIZENS CRIME COMMISSION OF NEW YORK CITY

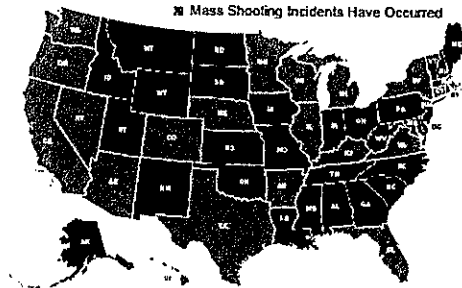
A non-partisan non-profit organization working to make criminal justice and public safety policies and practices more effective through innovation, research, and education.

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## INITIATIVE

### Mass Shooting Incidents in America (1984-2012)

Mass shootings are a unique feature of American life which have occurred consistently throughout history in every region of the country. The increased lethality of such incidents is made possible by the use of large capacity ammunition magazines (defined as more than 10-rounds) which enable a shooter to rapidly fire off as many as 100-rounds without having to reload the firearm. Designed for military use to kill greater numbers of people more effectively, large capacity ammunition magazines have facilitated some of the worst mass murders ever committed in the United States. As these incidents occur in every region of the country, restricting civilian access to these weapons is not a state specific problem. The federal government needs to take action to protect all Americans by reinstating the ban on large capacity ammunition magazines.



This database provides an overview of significant mass shooting incidents in America (defined by the FBI as four or more victims killed), all of which involved large capacity ammunition magazines. \*

December 14, 2012

Newtown, CT

Shooter  
Adam Lanza, 20

Ammo Magazine  
Capacity  
30-rounds

Shots Fired >154  
Killed 27 (plus shooter = 28)  
Wounded unknown

#### Sandy Hook Elementary School

##### Incident

On December 14, 2012, Adam Lanza armed with a .22-caliber rifle killed his mother in her home in Newtown, CT. Lanza then stocked his mother's car with firearms and drove to Sandy Hook Elementary School. He shot his way into the school and opened fire with a Bushmaster XM15 .223-caliber semiautomatic assault rifle equipped with a 30-round large capacity ammunition magazine, killing 26, including 20 students' ages six and seven. As police closed in Lanza committed suicide by shooting himself with a GLOCK 10mm handgun. He fired over 154 shots in less than five minutes.

##### Weapons

An unknown make and model .22-caliber rifle, a Bushmaster XM15 .223-caliber semiautomatic assault rifle equipped with a 30-round large capacity ammunition magazine, and a GLOCK 10mm handgun were used. According to the Danbury State's Attorney, police also recovered in Lanza's possession a SIG SAUER P226 9mm handgun and three loaded 30-round large capacity ammunition magazines for the Bushmaster. Six additional 30-round large capacity ammunition magazines were recovered at the scene. A loaded unknown make and model 12-gauge shotgun was found in the passenger compartment of the car (later moved to the trunk by police). All of the guns used in the shooting were purchased by Lanza's mother.

Outcome  
Suicide.

September 27, 2012

Minneapolis, MN

Shooter  
Andrew John  
Engeldinger, 36

Ammo Magazine  
Capacity  
15-rounds

Shots Fired >46  
Killed 6 (plus shooter = 7)  
Wounded 2

#### Accent Signage Systems

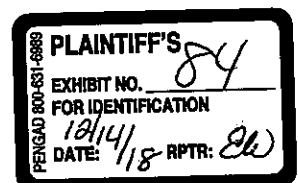
##### Incident

On September 27, 2012, after working his shift at Accent Signage Systems, Andrew Engeldinger was told by two company managers that he was being fired for chronic tardiness and poor performance. Upon hearing this news, Engeldinger pulled out a semiautomatic handgun equipped with a 15-round large capacity ammunition magazine, the managers tried to get the gun from him, unable to both managers were shot. The large capacity ammunition magazine was dropped during the struggle; Engeldinger reinserted the magazine into the firearm and began to move through the office, shooting at some employees but not others. Over approximately 15 minutes, Engeldinger shot seven employees and a UPS driver before turning the gun on himself. Four victims died at the scene, two died at the hospital (one the following day and the other two weeks later), and two others were injured.

##### Weapons

GLOCK 19 9mm semiautomatic pistol equipped with a 15-round large capacity ammunition magazine. Engeldinger purchased the firearm one year before the shooting at KGS Guns and Ammo in Minneapolis after passing a background check and obtaining a permit to purchase. Police reportedly found packaging for 10,000 rounds of ammunition and another handgun in Engeldinger's home.

Outcome  
Suicide.



August 5, 2012	Sikh Temple of Wisconsin
Oak Creek, WI	Incident
Shooter Wade Michael Page, 40	Around 10:30 AM, Wade Michael Page, a U.S. Army veteran, opened fire in the parking lot of a Sikh temple, then entered the building shooting congregants gathering for Sunday meditation. Police officers arrived on the scene in response to 911 calls, and exchanged fire with the shooter. Page killed six and injured three, including a responding officer, before committing suicide.
Ammo Magazine Capacity 19-rounds	Weapons Springfield Armory XD(M) 9mm semiautomatic handgun equipped with a 19-round large capacity ammunition magazine. Weeks before the shooting, Wade legally purchased the handgun and three 19-round large capacity ammunition magazines from a federal firearms licensed dealer in nearby West Allis, WI. According to media reports, Wade served in the U.S. Army from 1992 until 1998, when he was given an other-than-honorable discharge or general discharge. In 1994, while stationed at Fort Bliss in Texas, he was arrested by El Paso police, and pled guilty to a misdemeanor charge of criminal mischief. Federal law does not prohibit persons with convictions for misdemeanors other than domestic violence misdemeanors or persons who have been discharged from the military for reasons other than "dishonorably" from purchasing firearms.
Shots Fired unknown Killed 6 (plus shooter = 7) Wounded 3	Outcome Wade committed suicide after being shot by police at the scene. The FBI is leading the investigation which is being treated as a possible act of <u>domestic terrorism</u> .
July 20, 2012	The Dark Knight Rises: Movie theatre Shooting
Aurora, CO	Incident
Shooter James Holmes, 24	Shortly after the start of the midnight premiere screening of <i>Batman: The Dark Knight Rises</i> on July 20, 2012, at the Century Aurora 16 movie theatre in Aurora, CO, James Holmes exited the theatre through an emergency exit. He returned through the propped open emergency exit door, clad in ballistic body armor, wearing a gas mask, and armed with multiple firearms. After tossing two canisters of tear gas into the theatre he began firing upon the audience. He first used an AR-15-type assault rifle equipped with a 100-round drum large capacity ammunition magazine, after the assault rifle jammed, he then continued with a 12-gauge shotgun and a handgun--killing 12 and wounding 70 (including three wounded when bullets went through a wall into an adjacent theatre).
Ammo Magazine Capacity 100-rounds	Weapons A Smith & Wesson M&P15 assault rifle equipped with a 100-round drum large capacity ammunition magazine, a Remington Model 870 12-gauge pump shotgun, and two GLOCK .40-caliber handguns, were recovered at the scene by police. In the months leading to the shooting, Holmes purchased the weapons and 6,000-rounds of ammunition at gun shops and over the Internet. In addition to the weapons used in the shooting, Holmes booby-trapped his apartment, rigging trip wire to detonate 30 plastic shells stuffed with gunpowder, several glass jars filled with gasoline and gunpowder, and 10 gallons of gasoline in canisters.
Shots Fired >80 Killed 12 Wounded 70	Outcome Holmes was apprehended by the police in the theatre's rear parking lot within seven minutes of the first 911 calls from moviegoers. On July 30, 2012, Holmes appeared before the District Court of Arapahoe County, CO for formal charging on 142 counts. Later in the court process, the prosecution amended the charges to include 24 counts of murder in the first degree (two counts for each of the 12 victims killed); 140 counts of attempted murder in the first degree (two counts for each of the 70 victims injured); one count of possession of explosive or incendiary devices; and one count of unlawful use of a deadly weapon in the commission of a violent crime. On June 4, 2013, Holmes changed his original plea of not guilty to a plea of not guilty by reason of insanity. Trial began on April 27, 2015, and on July 16, 2015, the jurors found Holmes guilty on 24 counts of murder in the first degree, 134 counts of attempted murder in the first degree, 6 counts of the lesser included offense of attempted murder in the second degree, one count of possession of explosive or incendiary devices; and one count of unlawful use of a deadly weapon in the commission of a violent crime. On August 27, 2015, Holmes was sentenced to 12 consecutive life imprisonment sentences without the possibility of parole plus 3,318 years imprisonment.
September 6, 2011	Carson City IHOP
Carson City, NV	Incident
Shooter Eduardo Sencion, 32	At about 9 AM, Sencion entered an IHOP restaurant and began shooting at a table of uniformed National Guard members. He hit all 5 of the members, in addition to 5 civilians inside the restaurant. He eventually moved out into the parking lot, where he shot one woman before turning the gun on himself. Though his eight-minute rampage seemed focused on the Guardsmen, Sencion had no known association with the military and his motives remain unknown. He had no criminal record, but his family has indicated that he had a history of mental illness.
Ammo Magazine Capacity 30-rounds	Weapons AK-47 type assault rifle equipped with a 30-round large capacity ammunition magazine. Two additional guns and two more magazines were found in his vehicle.
Shots Fired unknown Killed 4 (plus shooter = 5) Wounded 7	

	Outcome Suicide.
July 7, 2011	Grand Rapids
Grand Rapids, MI	Incident
Shooter Rodrick Shonte Dantzer, 34	On a Thursday afternoon, Dantzer went to two homes on a shooting rampage, killing two ex-girlfriends and members of their families, including his own ten-year-old daughter and another child. He then led police on a high-speed chase, shooting two bystanders before crashing his car into an embankment. Dantzer fled, forced his way inside a nearby home, and held three occupants hostage for four hours before shooting himself in the head at about 11:30 PM. He had been arrested once before for assault with intent to do great bodily harm.
Ammo Magazine Capacity 30-rounds	Weapons GLOCK 9mm semiautomatic pistol (unknown model) equipped with a 30-round large capacity ammunition magazine.
Shots Fired >10 Killed 7 (plus shooter = 8) Wounded 2	Outcome Suicide.
January 8, 2011	U.S. Rep. Gabriel Giffords Congress on Your Corner
Tucson, AZ	Incident
Shooter Jared Lee Loughner, 22	During an outdoor constituent meet-and-greet at a Tucson grocery store, Loughner allegedly attempted to assassinate Rep. Giffords, and in the process murdered 6 and wounded 12 others. He first shot Rep. Giffords in the head from about three feet away and then turned to the crowd, firing over 30 rounds in just 15 seconds. Among those killed include a federal judge, Hon. John M. Roll, congressional staff, and civilians ranging in age from 9 to 79.
Ammo Magazine Capacity 33-rounds 15-rounds	Weapons GLOCK 19 9mm semiautomatic pistol equipped with a 33-round large capacity ammunition magazine. Loughner was also carrying two 15-round large capacity ammunition magazines, and a knife. The ATF determined Loughner legally purchased the GLOCK pistol with an extended magazine and one box of Winchester ammunition on November 30, 2010, from Sportsman's Warehouse in Tucson.
Shots Fired 33 Killed 6 Wounded 13	Outcome Loughner was tackled while attempting to reload his firearm with another large capacity ammunition magazine. He was later taken into custody by Sheriff's deputies at the scene. The day following the shooting, Loughner was charged with five federal counts to which he pleaded not guilty. On March 4, 2011, he was charged with an additional 49 federal charges, to which he also pleaded not guilty. On May 25, 2011, Loughner was found not mentally competent to stand trial. A federal judge ruled on September 28, 2011, that efforts to treat him for mental illness in a federal facility should continue until he is mentally fit to be tried. Loughner was diagnosed with and treated for schizophrenia. After he was found mentally competent to stand trial, Loughner pleaded guilty on August 7, 2012, to 19 counts related to the date of the shooting. On November 8, 2012, Loughner was sentenced to seven consecutive life terms, plus 140 years in prison without the possibility of parole (one life term for the attempted assassination of Congresswoman Gabrielle Giffords; two life terms for the murder of two federal employees; four life terms for the murders of four participants at the event; two 20 year terms for the attempted murders of two federal employees; and ten 10 year terms for causing the injuring through the use of a firearm of ten participants at the event).
August 3, 2010	Hartford Beer Distributor
Manchester, CT	Incident
Shooter Omar Thornton, 34	Thornton arrived at work early in the morning for a meeting with his employers. During the meeting he was shown video surveillance which proved he had been stealing beer from the company. Thornton was offered the choice to either resign from his position as a truck driver or be fired. Following the meeting, Thornton went into the employee kitchen to retrieve two handguns equipped with 17-round large capacity ammunition magazines he had previously hidden. He then traveled through the Distributor warehouse shooting deliberately. During the rampage, he murdered eight co-workers and wounded two more. Thornton eventually hid in a far office where he called the police to explain his motive prior to committing suicide. In his 911 call, Thornton claimed that the Hartford Beer Distributor was a "racist place." As he told the 911 dispatcher, "They treat me bad over here and they treat all the other black employees bad over here too."
Ammo Magazine Capacity 17-rounds	Weapons Two Ruger SR9 9mm semiautomatic pistols equipped with 17-round magazines. Thornton purchased both firearms legally from an East Windsor, CT gun dealer.
Shots Fired >11 Killed 8 (plus shooter = 9) Wounded 2	Outcome Suicide.
November 5, 2009	Fort Hood

Fort Hood, TX	
Shooter Nidal Malik Hasan, 39	Incident On the afternoon of November 5, 2009, Major Nidal Malik Hasan—an army psychiatrist—walked into a medical processing center and began firing upon those inside. The rampage began at 1:20 pm, and lasted for about four minutes, during which Hasan fired off about 214 shots, killing 13 and wounding 32 more. After running outside the building to chase down a wounded soldier, Hasan was confronted by a police officer. Engaging in a brief firefight, the officer managed to down Hasan with a shot to the torso. Reports have linked the incident to <u>domestic terrorism</u> .
Ammo Magazine Capacity 30-rounds 20-rounds	Weapons FN Herstal 5.7 Tactical Pistol equipped with 20-round large capacity ammunition magazine. When Hasan was apprehended, investigators found in his possession 177-rounds in 30-round and 20-round large capacity ammunition magazines, another handgun, a revolver, and two gunsights (for different lighting conditions). Hasan purchased the FN Herstal 5.7 Tactical Pistol legally at Guns Galore, a shop in Killeen, TX.
Shots Fired 214 Killed 13 Wounded 32	Outcome After he was shot, Hasan was arrested. In 2009, he was charged with 13 counts of premeditated murder and 32 counts of attempted murder under the Uniform Code of Military Justice. In August 2013, following a 22-day court-martial, during which he represented himself, Hasan was convicted of all charges. He was sentenced to the death penalty.
April 3, 2009	American Civic Association
Binghamton, NY	Incident Armed with two handguns and 30- and 15-round large capacity ammunition magazines, Wong drove to the American Civic Association building, where he previously took classes. He first barricaded the back entrance of the building with a borrowed car, then entered through the front entrance and began firing. He first opened fire on the association's receptionists, killing one and wounding the other. The surviving receptionist, Shirley DeLucia, feigned death and, after Wong moved further into the building, called 911. Meanwhile, Wong entered a classroom and resumed fire, killing 12 and wounding 3 students and association workers, before eventually turning his gun on himself. His exact motives remain unclear; however, a letter he wrote a month prior to the attack indicates great frustration both with the police and with his lack of employment.
Shooter Jiverly Wong, 41	Weapons Beretta .45-caliber semiautomatic pistol, Beretta 9mm semiautomatic pistol (models unknown), and two 30-round large capacity ammunition magazines and two 15-round large capacity ammunition magazines.
Ammo Magazine Capacity 30-rounds 15-rounds	Outcome Suicide.
Shots Fired 99 Killed 13 (plus shooter = 14) Wounded 4	
February 14, 2008	Northern Illinois University
DeKalb, IL	Incident Armed with four firearms and 33- and 15-round large capacity ammunition magazines, graduate student Steven Kazmierczak kicked in the door of a Cole Hall lecture room and began firing on the 162-person class. Firing approximately 54 shots, he killed 5 students and wounded 17 others, before taking his own life. Kazmierczak had a history of mental illness, erratic behavior, and self-mutilation, and had reportedly stopped taking his medication in the weeks leading up to the shooting.
Shooter Steven Phillip Kazmierczak, 27	Weapons SIG SAUER Kurz 9mm semiautomatic pistol, Hi-Point CF380 .380 caliber semiautomatic pistol, GLOCK 19 9mm semiautomatic pistol, Remington Sportsman 48 12-gauge shotgun, and 33-round and 15-round large capacity ammunition magazines. Kazmierczak purchased all four weapons from Tony's Gun & Ammo in Champaign, IL between August 3, 2007 and February 9, 2008. Kazmierczak also purchased gun accessories from a website operated by TGSCOM, Inc., the same company patronized by the <u>VA Tech shooter</u> .
Ammo Magazine Capacity 33-rounds 15-rounds	Outcome Suicide.
Shots Fired 54 Killed 5 (plus shooter = 6) Wounded 21	
December 5, 2007	Westroads Mall
Omaha, NE	Incident Armed with an assault rifle and two 30-round large capacity ammunition magazines, Hawkins opened fire from the third floor balcony of the Westroads Mall. He killed six employees and two customers, and wounded five more, before taking his own life. Police arrived on the scene about six minutes after the shooting began, by which time it was already over. Hawkins had a history of mental illness and a criminal record. Police say the shooting was random.
Shooter Robert Hawkins, 19	Weapons WASR-10 semiautomatic assault rifle and two 30-round large capacity ammunition magazines.
Ammo Magazine Capacity 30-rounds	Outcome Suicide.
Shots Fired >14 Killed 8 (plus shooter = 9) Wounded 5	



<p><b>April 16, 2007</b></p> <hr/> <p><b>Blacksburg, VA</b></p> <hr/> <p><b>Shooter</b> Seung-Hui Cho, 23</p> <hr/> <p><b>Ammo Magazine</b> Capacity 15-rounds</p> <hr/> <p><b>Shots Fired</b> 176 <b>Killed</b> 32 (plus shooter = 33) <b>Wounded</b> 17</p>	<p><b>Virginia Polytechnic Institute and State University</b></p> <p><b>Incident</b> At about 7 AM, Cho entered West Ambler Johnston dormitory, shot and killed two students, then returned to his dormitory to change out of his bloody clothes. At approximately 9:40 AM, he entered Norris Hall and began shooting at students and faculty in classrooms on the second floor. The rampage—during which 30 more people were killed and 17 wounded—lasted until approximately 9:51 AM, when Cho committed suicide. Exact motives remain unclear. Cho had a long history of mental and physical illness, depression, selective mutism, and wrote "dark and troubling" papers for his classes, which included fantasies about the <u>Columbine shooting</u>.</p> <p><b>Weapons</b> GLOCK 19 9mm semiautomatic pistol and Walther P22 .22-caliber semiautomatic pistol. Investigators found a total of 17 empty magazines at the scene of the shooting, a mix of several 15-round, and 10-round magazines loaded with hollow-point rounds (bullets with the tip hollowed out, designed to expand upon impact). He possessed over 400 rounds of ammunition. Cho ordered the Walther P22 from a website operated by TGSCOM, Inc. Kazmierczak patronized the same company before the <u>NIU shooting</u>. On February 9, 2007, Cho picked up the pistol from J-N-D Pawn-brokers, located across the street from the VA Tech campus. In compliance with the state law limiting handgun purchases to one every 30 days, Cho purchased the GLOCK 19 on March 13, 2007. He also purchased five 10-round magazines from eBay in March. Cho's purchase of these firearms was in violation of federal law; he was disqualified from purchasing or possessing a firearm and ammunition, because a special justice of the Montgomery County General District Court had found him to be a danger to himself on December 14, 2005.</p> <p><b>Outcome</b> Suicide.</p>
<p><b>January 30, 2006</b></p> <hr/> <p><b>Goleta, CA</b></p> <hr/> <p><b>Shooter</b> Jennifer San Marco, 44</p> <hr/> <p><b>Ammo Magazine</b> Capacity 15-rounds</p> <hr/> <p><b>Shots Fired</b> unknown <b>Killed</b> 7 (plus shooter = 8) <b>Wounded</b> 0</p>	<p><b>Santa Barbara Postal Processing and Distribution Center</b></p> <p><b>Incident</b> On the night of January 30, 2006, Jennifer San Marco sneaked into a Santa Barbara condominium where she shot and killed a former neighbor. Less than an hour later, her rampage continued at the Santa Barbara Postal Processing and Distribution Center where she had worked for about six years. Armed with a semiautomatic handgun equipped with a 15-round large capacity ammunition magazine, San Marco shot six postal employees (two in the parking lot and four in the building), before turning the gun on herself. Five victims died at the scene and one died in the hospital two days later. San Marco's employment at the postal facility ended in 2003 when she was placed on retirement disability for psychological reasons. No suicide note was left to explain her motive, but police reportedly found writings in San Marco's New Mexico home (where she moved in 2004) alluding to a conspiracy plot involving the postal facility where the shooting occurred, a local medical facility, and the Santa Barbara County Sheriff's Department.</p> <p><b>Weapons</b> Smith &amp; Wesson 915 9mm semiautomatic handgun equipped with a 15-round large capacity ammunition magazine. San Marco purchased the firearm at a pawn shop in New Mexico in August 2005.</p> <p><b>Outcome</b> Suicide.</p>
<p><b>November 21, 2004</b></p> <hr/> <p><b>Meteor, WI</b></p> <hr/> <p><b>Shooter</b> Chai Vang, 36</p> <hr/> <p><b>Ammo Magazine</b> Capacity 20-rounds</p> <hr/> <p><b>Shots Fired</b> 20 <b>Killed</b> 6 <b>Wounded</b> 3</p>	<p><b>Hunting Camp</b></p> <p><b>Incident</b> On a hunting trip in Northwest Wisconsin, at about noon on a Sunday, Vang was sitting in a hunting stand used to look out for deer, when he encountered a group of other hunters who informed him that he was trespassing on private property. Police report that Vang began to walk away, then turned, and opened fire. During the course of the shooting, he shot nine people, five of whom died during the incident (the sixth victim succumbed to the gunshot wounds the following day). One of the wounded victims recorded the hunting license number posted on Vang's orange vest and supplied it to police.</p> <p><b>Weapons</b> SKS 7.62mm semiautomatic assault rifle equipped with a 20-round large capacity ammunition magazine.</p> <p><b>Outcome</b> At about 5 PM that same day, police arrested Vang. At Vang's preliminary hearing, he pleaded not guilty to six counts of murder and three counts of attempted murder. During the trial, which lasted from September 11 to 18, 2005, Vang's defense argued that he had felt "under siege" from the other hunters, and that they had been using racial slurs against him. Vang was convicted of murder and eventually sentenced to six life sentences without the possibility of parole.</p>

Wakefield, MA	Incident
Shooter Michael McDermott, 42	Armed with multiple firearms and a 60-round large capacity ammunition magazine, McDermott arrived at his workplace at about 9 AM. After about two hours, he began his rampage by walking to the reception desk and shooting and killing the office manager. He moved throughout the building continuing to shoot at specific coworkers, firing 37 shots over the course of five to six minutes before he stopped firing, returned to the reception area and sat down. Authorities speculated that McDermott's motive centered on anger that his wages were to be collected by the IRS for the payment of back taxes.
Ammo Magazine Capacity 60-rounds	Weapons AK-47-type semiautomatic assault rifle, unknown make and model 12-gauge shotgun, unknown make and model .32-caliber semiautomatic pistol, and 60-round large capacity ammunition magazine.
Shots Fired 37 Killed 7 Wounded 0	Outcome McDermott was arrested at the scene. He was charged with seven counts of murder, to which he pleaded not guilty. Over the course of a 14-day trial in April 2002, McDermott's defense was based on insanity. During his testimony, he expressed a belief that he had been sent back in time to kill Nazis, a move which the prosecution claimed to be a fabricated "psychic alibi." At the end of the trial, McDermott was convicted of seven counts of murder and received seven life sentences.
November 2, 1999	Xerox Office Building
Honolulu, HI	Incident
Shooter Byran Uyesugi, 40	Armed with a handgun and three 17-round large capacity ammunition magazines, Uyesugi entered offices of the Xerox corporation in Honolulu and commenced firing. After firing approximately 28 shots, killing 7 people (he missed an 8th), Uyesugi promptly left and drove to the Hawaii Nature Center. After a 5-hour standoff with police, he surrendered. Uyesugi is said to have been a disgruntled employee—with a history of anger issues—who at the time was feeling work-related pressure.
Ammo Magazine Capacity 17-rounds	Weapons GLOCK 17 9mm semiautomatic pistol and three 17-round large capacity ammunition magazines, loaded with hollow point bullets (bullets with the tip hollowed out, designed to expand upon impact). Uyesugi legally purchased the GLOCK in 1989.
Shots Fired 28 Killed 7 Wounded 0	Outcome On November 9, 1999, Uyesugi was indicted on nine felony counts, including one count of first degree murder, seven counts of murder in the second degree, and one count of attempted murder in the second degree. On May 15, 2000, the trial against Uyesugi began. He pleaded not guilty by reason of insanity, but the jury rejected that plea and found him guilty. Uyesugi was sentenced to life without the possibility of parole. In 2002, he appealed his conviction but the State of Hawai'i Supreme Court upheld his conviction.
September 15, 1999	Wedgwood Baptist Church
Fort Worth, TX	Incident
Shooter Larry Gene Ashbrook, 47	Armed with two handguns and three 15-round large capacity ammunition magazines, Ashbrook walked into Wedgwood Baptist Church during a teen rally and began shooting. He killed 7 people (three of whom were teenagers) and wounded 7 more. Over the course of the attack, he fired approximately 30 shots and threw a pipe bomb in the church. Ashbrook then committed suicide. According to witnesses, during the shooting Ashbrook was yelling anti-religious invectives. In addition, a news report described him as one who "seethed with hostility, distrusted neighbors, and sometimes victimized the vulnerable."
Ammo Magazine Capacity 15-rounds	Weapons Ruger P85 9mm semiautomatic pistol, unknown make and model .380 caliber semiautomatic pistol, and three 15-round large capacity ammunition magazines. Ashbrook legally acquired both weapons from federally licensed firearms dealers in 1992.
Shots Fired 30 Killed 7 (plus shooter = 8) Wounded 7	Outcome Suicide.
April 20, 1999	Columbine High School
Littleton, CO	Incident
Shooter Eric Harris, 18 Dylan Klebold, 17	On the morning of April 20th, Harris and Klebold entered Columbine High School and placed two propane bombs in the cafeteria. They then returned to their cars, awaiting detonation. After the bombs failed to detonate, Harris and Klebold gathered their guns and large capacity ammunition magazines ranging from 28- to 52-rounds, they then approached the school's west entrance. At approximately 11:20 AM, they begin shooting at students outside the school. After entering the school, they commenced shooting and throwing pipe bombs at random, eventually proceeding to the library where they killed 10 and injured 12 more. Leaving the library, they continued wandering about the school, occasionally firing through windows at law enforcement, until—at around noon—they committed suicide. In less than an hour, Harris and Klebold killed 13 and wounded 24.
Ammo Magazine Capacity 52-rounds 32-rounds 28-rounds	

Shots Fired 188  
 Killed 13 (plus shooters = 15)  
 Wounded 24

**Weapons**  
 Savage Springfield 67H 12-gauge pump-action shotgun, Savage Stevens 311D 12-gauge sawed-off shotgun, Hi-Point 995 9mm semiautomatic rifle, INTRATEC TEC-DC9 9mm semiautomatic pistol, and thirteen 10-round magazines, one 52-, one 32-, one 28-round large capacity ammunition magazines. Harris and Klebold illegally acquired the shotguns and Hi-Point rifle through a "straw purchase" (a transaction in which a legal buyer makes a purchase for someone who cannot legally purchase the firearm). Their friend, Robyn Anderson, purchased the three firearms at the Tanner Gun Show from unlicensed sellers in December of 1998. A pizza shop employee, Mark Manes, illegally sold them the INTRATEC TEC-DC9.

**Outcome**  
 Suicide.

May 20-21, 1998

Thurston High School

Springfield, OR

**Incident**

**Shooter**  
 Kipland Philip "Kip" Kinkel, 15

At about 3 PM, Kinkel, who had earlier been suspended from school for illegal possession of a firearm, loaded a .22-caliber rifle and shot his father in the back of the head. Roughly 3 hours later, Kinkel's mother returned home and he fatally shot her six times. The next morning, Kinkel armed himself with multiple weapons including a 50-round large capacity ammunition magazine, then drove to his school, arriving at about 7:55 AM. Walking through a school hallway, he shot 27 students, killing 2 of them, before he was finally tackled to the ground by other students while trying to reload.

**Ammo Magazine Capacity**  
 50-rounds

**Weapons**

**Shots Fired >50**  
**Killed 4**  
**Wounded 25**

GLOCK 19 9mm semiautomatic pistol, Ruger (unknown model) .22-caliber semiautomatic pistol, Ruger (unknown model) .22-caliber rifle, and a 50-round large capacity ammunition magazine. The GLOCK and rifle were legally purchased by Kinkel's father.

**Outcome**

Kinkel was taken into custody by the police at the scene. On the 16th of June, Kinkel was indicted on 58 charges, 4 of which were for aggravated murder. In September of the following year, Kinkel pleaded guilty to the aggravated murder charges and 25 counts of attempted murder, and pleaded no contest to one attempted murder count. During his sentencing hearing, psychiatrists testified that Kinkel showed signs of schizophrenia. Evidence was also presented that he expressed admiration for the Westside Middle School shooting which occurred two months earlier. On November 2nd, Kinkel was sentenced to 111 years and 8 months in prison without the possibility of parole. In 2002, he appealed his sentence, but the Court of Appeals of Oregon found the sentence did not violate the Oregon Constitution. In 2007, he petitioned for a new trial, but a Marion County judge denied the motion. Kinkel then appealed that decision but on January 12, 2011, the Oregon Court of Appeals affirmed the trial court decision denying his motion for a new trial.

March 24, 1998

Westside Middle School

Jonesboro, AR

**Incident**

**Shooter**  
 Andrew Golden, 11  
 Mitchell Johnson, 13

On the morning of March 24, Golden and Johnson stole a van owned by the Johnson family, drove to Golden's grandparents' house to acquire weaponry, including multiple 30- and 15-round large capacity ammunition magazines, and then continued on to Westside Middle School. Golden entered the school and pulled the fire alarm, then ran back outside to wait with Johnson. As students and teachers came running out of the school, the two boys opened fire, killing 5 (one of whom was a teacher) and wounding 10 (9 students and 1 teacher). Johnson claims Golden came up with the plan just to scare the kids who had bullied him.

**Ammo Magazine Capacity**  
 30-rounds  
 15-rounds

**Weapons**

**Shots Fired >26**  
**Killed 5**  
**Wounded 10**

Universal M1 Carbine .30-caliber replica, Davis Industries .38-caliber two-shot derringer, Double Deuce Buddie .22-caliber two-shot derringer, Charter Arms .38-caliber revolver, Star .380-caliber pistol, FIE .380-caliber pistol, Ruger Security Six .357-caliber revolver, Ruger .44 magnum rifle, Smith & Wesson .38-caliber revolver, Remington 742 .30-06-caliber rifle, 15-round large capacity ammunition magazines, three 30-round large capacity ammunition magazines, and over 150-rounds of ammunition.

**Outcome**

After the shooting, Golden and Johnson ran into the woods and were eventually caught by police. The boys were convicted as juveniles to the maximum sentence possible under state law, imprisonment until they turned 18. Prior to their 18th birthdays, they were convicted of a federal crime for bringing a gun to school. They were then transferred to federal prisons until their 21st birthdays. Upon release they would have no criminal record, making them legally eligible to purchase a firearm. Johnson was released on August 11, 2005, and Golden was released on May 25, 2007.

March 6, 1998

Connecticut State Lottery Headquarters

Newington, CT

**Incident**

**Shooter**  
 Matthew Beck, 35

Nearly two weeks after retuning to work following several months of "stress-related" medical leave, Beck, a State Lottery employee, arrived at work armed with a handgun equipped with a 19-round large capacity ammunition magazine. He shot and killed four of his bosses. As police arrived, Beck shot and killed himself. Beck had a history of depression and was disgruntled with his employer over a salary dispute and being passed over for a promotion.



50-rounds 40-rounds	Weapons Two INTRATEC TEC-DC9 semiautomatic pistols, Colt (unknown model) .45-caliber semiautomatic pistol, and 40-round and 50-round large capacity ammunition magazines loaded with a mix of Black Talon and standard ammunition. According to the Las Vegas Metropolitan Police Department, Ferri purchased the pistols from two stores in Las Vegas: Super Pawn and Pacific Tactical Weapons.
Shots Fired >75 Killed 8 (plus shooter = 9) Wounded 6	Outcome Suicide.
October 16, 1991	Luby's Cafeteria
Killeen, TX	Incident Armed with two handguns and 17-round and 15-round large capacity ammunition magazines, Hennard crashed his pickup into Luby's Cafeteria during a busy lunch hour. Stepping out of the vehicle, he began shooting randomly, killing 23 and wounding 20. After firing approximately 100 shots over 10 minutes, Hennard shot himself in the head. His motives remain unclear, but neighbors described him as "combative and unstable."
Shooter George Hennard, 35	Weapons GLOCK 17 9mm semiautomatic pistol, Ruger P89 semiautomatic pistol, and 17-round and 15-round large capacity ammunition magazines. Hennard legally purchased the weapons from Mike's Gun Shop in Henderson, NV, in February and March of 1991.
Ammo Magazine Capacity 17-rounds 15-rounds	Outcome Suicide.
Shots Fired 100 Killed 23 (plus shooter = 24) Wounded 20	
June 18, 1990	General Motors Acceptance Corporation Office
Jacksonville, FL	Incident Armed with two firearms and a 30-round large capacity ammunition magazine, Pough opened fire in offices of General Motors. He killed nine and wounded four before taking his own life. It is believed Pough was angered by having his 1988 Pontiac Grand Am repossessed by the Corporation.
Shooter James Edward Pough, 42	Weapons Universal M1 .30-caliber semiautomatic assault rifle, unknown make and model .38-caliber revolver, and a 30-round large capacity ammunition magazine.
Ammo Magazine Capacity 30-rounds	Outcome Suicide.
Shots Fired >14 Killed 9 (plus shooter = 10) Wounded 4	
September 14, 1989	Standard Gravure Corporation
Louisville, KY	Incident Armed with a duffle-bag full of firearms and 30-round large capacity ammunition magazines, Wesbecker opened fire at the offices of his former employer, shooting and killing 8 and wounding 12, before taking his own life. Wesbecker had been placed on permanent disability leave due to mental illness.
Shooter Joseph Wesbecker, 47	Weapons Chinese-made AK-47-type semiautomatic assault rifle, two INTRATEC MAC-11 semiautomatic assault pistols, SIG SAUER unknown model 9mm semiautomatic pistol, unknown make and model .38-caliber revolver, and 30-round large capacity ammunition magazines. Wesbecker legally purchased the AK-47-type assault rifle from Tilford's Gun Sales in Louisville.
Ammo Magazine Capacity 30-rounds	Outcome Suicide.
Shots Fired >21 Killed 8 (plus shooter = 9) Wounded 12	
January 17, 1989	Cleveland Elementary School
Stockton, CA	Incident Armed with two firearms and multiple 75- and 35-round large capacity magazines, Purdy first set his car on fire in the parking lot of Cleveland Elementary School. He then entered school grounds and began shooting. Over the course of the rampage, Purdy killed 5 students and wounded 30 others, including one teacher. After firing approximately 106 shots with an AK-47-type assault rifle over less than two minutes, he shot himself in the head with a pistol. Purdy's former acquaintances reported that he "developed a hate for everybody" including an intense dislike of Asian Americans. Of the five fatalities incurred during the Cleveland School Massacre, four were born in Cambodia and one in Vietnam.
Shooter Patrick Purdy, 24	Weapons Chinese-made AK-47-type semiautomatic assault rifle, Taurus unknown model 9mm
Ammo Magazine Capacity 75-rounds 35-rounds	
Shots Fired 106 Killed 5 (plus shooter = 6)	



semiautomatic pistol, a 75-round large capacity ammunition drum magazine, a 75-round large capacity ammunition rotary magazine, and four 35-round large capacity ammunition banana magazines. Purdy legally purchased the AK-47-type rifle at Sandy Trading Post, in Sandy, OR on August 3, 1988, and the Taurus 9mm pistol at Hunter Loan and Jewelry Co. in Stockton, CA on December 28, 1988.

**Outcome**  
**Suicide.**

**Palm Bay shopping center**

## Incident

On April 23, 1987, William Cruse, Jr., loaded his car with a Strum, Ruger Mini-14 semiautomatic assault rifle equipped with a 30-round large capacity ammunition magazine, five 30-round large capacity ammunition magazines, 180 rounds of ammunition, a shotgun, and a pistol, and began to drive to a local shopping center. He first stopped at a neighbor's driveway, opened the car window, picked up his shotgun and opened fire upon two brothers and their father and mother, wounding one of the brothers. Cruse then continued on to the Palm Bay Center where he shot and killed three people and wounded three others with the assault rifle. He then drove across the street to the Sabal Palm Square shopping center, exited his car and again opened fire. As officers approached, Cruse reloaded his assault rifle and fired into the police car killing an officer. Another officer arrived and exited his police car, Cruse continued firing upon the officers, killing another officer. Cruse then fled into a grocery store firing upon the shoppers inside, killing one and wounding several more. He then found two women hiding in the restroom; he let one out of the store to negotiate with police and kept the other hostage. After several hours, Cruse released the hostage. Police then fired tear gas and stun grenades into the store, forcing Cruse out of the store and allowing officers to take him into custody. During the over 7 hour rampage, Cruse killed 6, including 2 police officers, and wounded 10 more. Police officers were so outnumbered that a neighbor provided police an AR-15 assault rifle to help match Cruse's firepower.

## Weapons

Strum, Ruger Mini-14 semiautomatic assault rifle equipped with a 30-round large capacity ammunition magazine, five 30-round large capacity ammunition magazines, 180 rounds of ammunition, a shotgun (unknown make and model), and a pistol (unknown make and model). Cruse ordered the assault rifle on March 21, 1987. On April 17, 1987, he purchased 100-rounds of ammunition and six 30-round large capacity ammunition magazines.

### Outcome

Cruse was arrested at the scene. He pleaded not guilty by reason of insanity. In 2009, a jury in Polk County, FL, convicted Cruse of 6 counts of first-degree murder, 22 counts of attempted first-degree murder, 2 counts of attempted second-degree murder, 1 count of false imprisonment, and 1 count of kidnapping. In 1989, Cruse was sentenced to the death penalty for the murders of the two officers and sentenced to consecutive life sentences for the other four murders and attempted murders. While on death row, Cruse died of natural causes in 2009.

### McDonald's Restaurant

## Incident

Armed with multiple firearms and 25-round large capacity ammunition magazines, Huberty entered the McDonald's restaurant and opened fire. He shot 40 people, killing 21 and wounding 19. He expended 257 rounds over 77 minutes, before being killed by a police sniper. No motive has been established. Prior to the shooting, Huberty told his wife, "I'm going hunting humans."

## Weapons

Browning P-35 9mm semiautomatic pistol, Winchester 1200 pump-action 12-gauge shotgun, Israeli Military Industries 9mm Model A Carbine (Uzi), and 25-round large capacity ammunition magazines.

### Outcome

Huberty was shot and killed by police.

### Ianni's Club

## Incident

On June 29, 1984, after offending his dancing partner at a Dallas night club, Abdelkrim Belachheb, a Moroccan in the U.S. illegally, left the club and returned with a Smith & Wesson 9mm semiautomatic pistol equipped with a 14-round large capacity ammunition magazine. He emptied the magazine into his dance partner, reloaded and fired into the crowd. Belachheb killed his dance partner, five others, and wounded one more.

## Weapons

Smith & Wesson (unknown model) 9mm semiautomatic pistol and two 14-round large capacity ammunition magazines.

## Outcome

Belachheb surrendered to police hours later. He pleaded not guilty by reason of insanity. On November 15, 1984, a jury found Belachheb guilty of the six murders. He was sentenced to six consecutive life sentences plus 20 years, and \$70,000 in fines.

\* **Disclaimer:** Information for this database has been compiled from publicly available news sources. Every effort has been made to obtain the most accurate information, however, contradictions may exist between this database and other sources. As the ATF does not require police departments to collect data related to the capacity of a firearm's ammunition magazine, this database is not an exhaustive list of mass shootings involving large capacity ammunition magazines.

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