



**NAVAL  
POSTGRADUATE  
SCHOOL**

**MONTEREY, CALIFORNIA**

**THESIS**

**CONVERGENCE, GUNS, AND THE  
PUBLIC SAFETY RESPONSE**

by

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September 2019

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| <b>REPORT DOCUMENTATION PAGE</b>   |   |  | <i>Form Approved OMB<br/>No. 0704-0188</i> |
| Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC 20503.   |   |  |  |
| <b>1. AGENCY USE ONLY<br/>(Leave blank)</b>  | <b>2. REPORT DATE</b><br>September 2019                         | <b>3. REPORT TYPE AND DATES COVERED</b><br>Master's thesis     |  |
| <b>4. TITLE AND SUBTITLE</b><br>CONVERGENCE, GUNS, AND THE PUBLIC SAFETY RESPONSE  |   | <b>5. FUNDING NUMBERS</b>                                      |  |
| <b>6. AUTHOR(S)</b> Jason D. Lyon  |   |  |  |
| <b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b><br>Naval Postgraduate School<br>Monterey, CA 93943-5000  |   | <b>8. PERFORMING ORGANIZATION REPORT NUMBER</b>                |  |
| <b>9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b><br>N/A  |   | <b>10. SPONSORING / MONITORING AGENCY REPORT NUMBER</b>        |  |
| <b>11. SUPPLEMENTARY NOTES</b> The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.  |   |  |  |
| <b>12a. DISTRIBUTION / AVAILABILITY STATEMENT</b><br>Approved for public release. Distribution is unlimited.   |   | <b>12b. DISTRIBUTION CODE</b><br>A                             |  |
| <b>13. ABSTRACT (maximum 200 words)</b><br><br>Natural and man-made disasters have altered the public safety paradigm by contributing to an increase in firearms sales, gun-carrying by the public, and a general relaxation of the rules of engagement in which citizens may employ deadly force. These conditions have made the landscape in which police, fire, and emergency services work potentially more dangerous. This thesis addresses how public safety agencies should evaluate and respond tactically, operationally, and strategically to the changing landscape caused by crisis events. It begins with an examination of two such crisis events, Hurricane Katrina and Sandy Hook, focusing on the gun-related outcomes of these events. The thesis then presents two hypothetical scenarios that incorporate these gun-related outcomes to contextualize them for public safety officers. The thesis then offers prescriptive recommendations for public safety agencies to manage disaster convergence of armed citizens, interact with schools where armed staff members are present, and build positive relationships with the gun-owning community. Finally, it concludes that interacting with armed citizens is a trend that will likely continue and that the best course of action is to plan for these challenges in advance of crisis events. |   |  |  |
| <b>14. SUBJECT TERMS</b><br>Hurricane Katrina, Sandy Hook, gun-related, firearms, convergence  |   | <b>15. NUMBER OF PAGES</b><br>127                              |  |
|  |   | <b>16. PRICE CODE</b>  |  |
| <b>17. SECURITY CLASSIFICATION OF REPORT</b><br>Unclassified   | <b>18. SECURITY CLASSIFICATION OF THIS PAGE</b><br>Unclassified | <b>19. SECURITY CLASSIFICATION OF ABSTRACT</b><br>Unclassified | <b>20. LIMITATION OF ABSTRACT</b><br>UU    |

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**CONVERGENCE, GUNS, AND THE PUBLIC SAFETY RESPONSE**

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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(HOMELAND SECURITY AND DEFENSE)**

from the

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## **ABSTRACT**

Natural and man-made disasters have altered the public safety paradigm by contributing to an increase in firearms sales, gun-carrying by the public, and a general relaxation of the rules of engagement in which citizens may employ deadly force. These conditions have made the landscape in which police, fire, and emergency services work potentially more dangerous. This thesis addresses how public safety agencies should evaluate and respond tactically, operationally, and strategically to the changing landscape caused by crisis events. It begins with an examination of two such crisis events, Hurricane Katrina and Sandy Hook, focusing on the gun-related outcomes of these events. The thesis then presents two hypothetical scenarios that incorporate these gun-related outcomes to contextualize them for public safety officers. The thesis then offers prescriptive recommendations for public safety agencies to manage disaster convergence of armed citizens, interact with schools where armed staff members are present, and build positive relationships with the gun-owning community. Finally, it concludes that interacting with armed citizens is a trend that will likely continue and that the best course of action is to plan for these challenges in advance of crisis events.

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## LIST OF ACRONYMS AND ABBREVIATIONS

|      |   |
|------|---|
| ALEC | American Legal Exchange Council               |
| BLM  | Bureau of Land Management                     |
| CBPR | community-based participatory research        |
| CCP  | casualty collection point                     |
| CCW  | concealed carry (or carry a concealed) weapon |
| EMS  | emergency medical services                    |
| EOC  | emergency operations center                   |
| FBI  | Federal Bureau of Investigation               |
| IFF  | identification friend-or-foe                  |
| LAPD | Los Angeles Police Department                 |
| MHP  | Montana Highway Patrol                        |
| NOPD | New Orleans Police Department                 |
| NRA  | National Rifle Association                    |
| SRO  | school resource officer                       |
| SWAT | special weapons and tactics                   |
| USVI | U.S. Virgin Islands                           |

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## EXECUTIVE SUMMARY

A detailed review of relevant literature has revealed that crisis events, such as mass shootings and natural disasters, have triggered dramatic changes in gun-related laws, policies, and social perceptions in the United States. Particularly following Hurricane Katrina and the Sandy Hook school shooting, citizens and legislators have called for either relaxing or strengthening gun controls.<sup>1</sup> For example, in the wake of Hurricane Katrina, the federal government and several states passed legislation preventing the government from seizing citizens' weapons during a disaster.<sup>2</sup> Conversely, after the Sandy Hook school shooting, there were immediate calls to ban assault weapons, reduce the capacity of ammunition magazines, and require universal background checks.<sup>3</sup>

Although the number of U.S. households with guns has decreased, recent observations and research further suggest that crisis events such as Hurricane Katrina and Sandy Hook may increase new gun sales and the demand for concealed-carry permits.<sup>4</sup> Research also indicates that this surge in gun sales correlates with an uptick in accidental firearm-related deaths, which might be expected given an increase in first-time gun buyers.<sup>5</sup> Finally, crisis events like Sandy Hook also appear to drive legislation aimed at both strengthening and relaxing firearm restrictions.<sup>6</sup>

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<sup>1</sup> James M. La Valle, "Rebuilding at Gunpoint: A City-Level Re-Estimation of the Brady Law and RTC Laws in the Wake of Hurricane Katrina," *Criminal Justice Policy Review* 18, no. 4 (December 2007): 451–65, <https://doi.org/10.1177/0887403407299931>; and Aaron Kupchik, John J. Brent, and Thomas J. Mowen, "The Aftermath of Newton: More of the Same," *British Journal of Criminology* 55, no. 6 (November 2015): 1115–30, <https://doi.org/10.1093/bjc/azv049>.

<sup>2</sup> Allen Rostron, "Incrementalism, Comprehensive Rationality, and the Future of Gun Control," *Maryland Law Review* 67, no. 3 (2008): 526–29.

<sup>3</sup> Robert J. Spitzer, *The Politics of Gun Control*, 6th ed. (Boulder: Paradigm Publishers, 2015), 168–69.

<sup>4</sup> Massad Ayoob, "Lethal Force, Katrina's Lessons: Selling the Right Stuff," *Shooting Industry* 50, no. 11 (November 2005): 16; and Phillip B. Levine and Robin McKnight, "Firearms and Accidental Deaths: Evidence from the Aftermath of the Sandy Hook School Shooting," *Science* 358, no. 6328 (December 8, 2017): 1324, <https://doi.org/10.1126/science.aan8179>.

<sup>5</sup> Levine and McKnight, "Firearms and Accidental Deaths," 1327.

<sup>6</sup> Matt Vasilogambros, "Since Sandy Hook, More NRA-Backed Gun Legislation Has Passed Than Laws to Restrict Guns," *Huffington Post*, March 3, 2018, [https://www.huffingtonpost.com/entry/hundreds-of-new-state-gun-laws-most-expand-access\\_us\\_5a995f07e4b06a04fecca7e6](https://www.huffingtonpost.com/entry/hundreds-of-new-state-gun-laws-most-expand-access_us_5a995f07e4b06a04fecca7e6).

Crisis events can be linked to other firearm-related social and policy trends such as stand-your-ground laws and calls for arming teachers.<sup>7</sup> According to Spitzer, stand-your-ground laws represent an expansion of preexisting “castle doctrine” rules, which generally allow a person to defend oneself without a “duty to retreat” to one’s home.<sup>8</sup> Stand-your-ground laws presume that the shooter has acted in self-defense, shifting the burden of proof from the defendant to the prosecution to prove that the shooter *did not* act in self-defense.<sup>9</sup> This shift in the burden of proof has complicated law enforcement’s investigations of civilian shootings and has correlated with an increase in homicides, both justifiable and otherwise.<sup>10</sup>

Other examples of how crisis events and firearms have changed the landscape in which law enforcement and emergency services operate are visible in the post–Sandy Hook debates about arming schoolteachers and staff, as well as relaxing prohibitions on the carrying of firearms on school property.<sup>11</sup> Meanwhile, the number of concealed weapon permits issued in the United States has increased rapidly, from approximately 2.4 million permits in 1999 to over 16 million in 2017.<sup>12</sup> Americans continue to acquire concealed-carry permits at dramatically higher rates—with the number of new permits being issued yearly growing from about 240,000 per year between 1999 and 2007 to a record 1.7 million new permits in 2017.<sup>13</sup>

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<sup>7</sup> Joseph Giannell, “Second Amendment through the Eyes of the Impoverished,” *Southern Regional Black Law Students Journal* 2 (2007): 72–75; and Kupchik, Brent, and Mowen, “The Aftermath of Newton,” 1126.

<sup>8</sup> Spitzer, *The Politics of Gun Control*, 85.

<sup>9</sup> Spitzer, 84.

<sup>10</sup> Spitzer, 87–88.

<sup>11</sup> Kupchik, Brent, and Mowen, “The Aftermath of Newton,” 1118. One week after the Sandy Hook shooting, Wayne LaPierre, executive vice president of the NRA, uttered his now famous line—“The only thing that stops a bad guy with a gun is a good guy with a gun”—in his calls to Congress, urging them to increase funding for armed security at schools.

<sup>12</sup> John R. Lott, *Concealed Carry Permit Holders across the United States: 2018* (Alexandria, VA: Crime Prevention Research Center, 2018), 7.

<sup>13</sup> Lott, 8.

Research has shown that the primary reason cited by gun owners for gun ownership is self-defense.<sup>14</sup> Crisis events may provide examples of what some authors have termed a “belief in a dangerous world.”<sup>15</sup> For example, Joseph Giannell affirms that Katrina provided a real-life example of when “gun ownership was one of the only accessible means for safety.”<sup>16</sup> Furthermore, both Giannell and Crusto use Katrina as a backdrop to demonstrate the government’s ineptitude and corruption during crisis scenarios.<sup>17</sup> Likewise, according to Ladd, Gill, and Marszalek, a majority of college students who were in New Orleans during Hurricane Katrina now express distrust in the ability of local, state, and federal government to meet the needs of citizens in a crisis.<sup>18</sup> In this way, gun sales and ownership, especially in the aftermath of crisis events, may act as an informal barometer of the public’s faith in the government’s ability to protect the people. More recently, the failure of Broward County Deputy Scot Peterson to enter Marjory Stoneman High School, in Parkland, Florida, to subdue active shooter Nicholas Cruz has led to both outrage over the government’s inability to protect those in its care and an increase in gun sales.<sup>19</sup>

The increase in the number of firearms, growth in the numbers of potentially armed people, the relaxation of the rules of engagement in the use of deadly force, and a lack of faith in the government’s ability to protect the citizenry have made the emergency-response landscape dangerous for law enforcement and emergency services personnel. These

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<sup>14</sup> Giannell, “Through the Eyes of the Impoverished,” 72.

<sup>15</sup> Wolfgang Stroebe, N. Pontus Leander, and Arie W. Kruglanski, “Is It a Dangerous World out There? The Motivational Bases of American Gun Ownership,” *Personality and Social Psychology Bulletin* 43, no. 8 (2017): 1071–85, <https://doi.org/10.1177%2F0146167217703952>.

<sup>16</sup> Giannell, “Through the Eyes of the Impoverished,” 72.

<sup>17</sup> Mitchell F. Crusto, “State of Emergency: An Emergency Constitution Revisited,” *Loyola Law Review* 61, no. 3 (2015): 486; and Giannell, “Through the Eyes of the Impoverished,” 73.

<sup>18</sup> Anthony E. Ladd, Duane A. Gill, and John Marszalek, “Riders from the Storm: Disaster Narratives of Relocated New Orleans College Students in the Aftermath of Hurricane Katrina,” *Journal of Public Management & Social Policy* 13, no. 2 (Fall 2007): 64–65.

<sup>19</sup> Amy Held, “Ex-Deputy Who Stayed Outside during Parkland Shooting Getting \$8,702 Monthly Pension,” NPR, May 17, 2018, <https://www.npr.org/sections/thetwo-way/2018/05/17/611923342/ex-deputy-who-stayed-outside-during-parkland-shooting-getting-8-702-monthly-pens>; and Polly Mosendz and Mira Rojanasakul, “Florida Went Gun Shopping after the Parkland Shooting,” Bloomberg, March 6, 2018, <https://www.bloomberg.com/graphics/2018-february-gun-sales/>.

agencies are often caught between their responsibilities to respond effectively to victims of gun violence and this new landscape. Law enforcement is expected to enter scenes immediately with active shooters rather than to establish a perimeter and await a special weapons and tactics unit.<sup>20</sup> Firefighters and ambulance personnel can no longer remain at a safe distance until law enforcement secures the scene—they are now expected to deploy “rescue task forces” alongside law enforcement to rescue victims at mass shootings, even while the perpetrator may still be at large.<sup>21</sup> Law enforcement has begun issuing rifles and improved ammunition for officer safety.<sup>22</sup> There are now recommendations that firefighters and ambulance personnel carry body armor and receive training in specific gunshot-related trauma care, including the use of tourniquets.<sup>23</sup>

This thesis thoroughly examines these issues, contextualizing them through the use of two hypothetical scenarios involving both an active shooter scenario with armed citizens and a natural disaster in which the armed residents resist the authority’s instructions. It also introduces the framework of “disaster convergence” in which people, information, and equipment inevitably move toward disaster scenes during crisis events.<sup>24</sup> The outcomes of this well-documented phenomenon are reexamined in light of an expanded gun-carrying population operating with relaxed rules of the civilian use of deadly force.

Finally, an analysis of the scenarios then drives prescriptive recommendations that address the strategic, operational, and tactical policies surrounding disaster convergence,

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<sup>20</sup> Mike Wood, “The Next Generation of Active Shooter Response,” *Police One*, January 3, 2019, <https://www.policeone.com/active-shooter/articles/482527006-The-next-generation-of-active-shooter-response/>.

<sup>21</sup> Dan Danaher, “Mistaken Assumptions and Lessons Learned during Rescue Task Force Training,” *Police One*, February 20, 2018, <https://www.policeone.com/police-products/tactical/articles/471140006-Mistaken-assumptions-and-lessons-learned-during-rescue-task-force-training/>; and Mike Wood, “Fixing the Rescue Task Force,” *Police One*, August 20, 2018, <https://www.policeone.com/police-products/body-armor/articles/479385006-Fixing-the-Rescue-Task-Force/>.

<sup>22</sup> Mike Callahan, “4 Ways PDs Can Justify a Patrol Rifle Program,” *Police One*, May 2, 2018, <https://www.policeone.com/police-products/firearms/articles/471820006-4-ways-PDs-can-justify-a-patrol-rifle-program/>.

<sup>23</sup> Danaher, “Mistaken Assumptions and Lessons Learned.”

<sup>24</sup> Charles E. Fritz and J. H. Mathewson, *Convergence Behaviors in Disasters: A Problem in Social Control*, Disaster Study No. 9 (Washington, DC: National Academy of Sciences, National Research Council, 1957), <https://archive.org/details/convergencebehav00fritrich>.

an increasingly armed citizenry, and armed school staff members. This thesis concludes that the government must establish and maintain the trust of armed citizens to reduce the likelihood of negative interactions with them. It further suggests that government agencies should view and treat the gun-owning community as it would any other sub-community in their jurisdictions to build trust with them. Finally, this thesis provides specific recommendations on ways that law enforcement, fire, and emergency medical service agencies can build strong relationships with gun owners to increase their own safety and that of their community. The purpose of this thesis is to provide public safety agency leaders useful tools to enhance the safety of their communities in light of these varied and changing conditions.

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## ACKNOWLEDGMENTS

First, I want to thank Fire Chief William Rash for giving me the opportunity to study at the Center for Homeland Defense and Security at the Naval Postgraduate School. I promise to put what I have learned here to work for the citizens of our city, state, and nation. I would also like to recognize the members of CHDS cohort 1801/1802 for their patience, intelligence, and dedication to public service. You are an amazing group of people. I have learned so much from each of you and count myself privileged to be in your company. Kevin, Katie, and Josh, I am glad you know that “B&B” is not just a place but a thing. Harley, thank you for sharing Helsing with us—at NPS, everyone needs a therapy dog once in a while.

This thesis would not have been possible without the patience and support of my thesis committee, Dr. Shannon Brown and Dr. Lauren Wollman. It would have also failed miserably without the extensive support staff at CHDS, especially Greta Marlatt. Thank you to my friends, coworkers, and family for all your support. I could not have gotten this far without you. Finally, thank you to my loving wife, Melissa, for never letting me accept the status quo and pushing me to be the best I can be.

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## I. INTRODUCTION: MORE GUNS, MORE PROBLEMS?

According to the Federal Bureau of Investigation (FBI), 62 of 66 law enforcement officers who died in 2016 during felonious incidents were killed with firearms.<sup>1</sup> This figure is the greatest number of firearm-related deaths in law enforcement since 2011 and the second highest since 2007.<sup>2</sup> While law enforcement officers make up the majority of emergency personnel who die from firearms, firefighters and emergency services workers are not immune from job-related gun violence. On the morning of Christmas Eve, 2012, for example, two firefighters were shot and killed in an ambush-style attack at the site of a deliberately set fire in New York state.<sup>3</sup> Furthermore, news stories indicate that even ambulance crews, whose job is to save lives, have been deliberately targeted with firearms.<sup>4</sup>

Law enforcement and emergency services personnel receive training on how to mitigate risk to themselves and their community. However, the substance of such training must evolve in response to changes in society and, thus, to the threat landscape. For example, after the Columbine shooting in 1999, law enforcement transitioned from waiting for special weapons and tactics (SWAT) to arrive and engage the shooter to patrol officers engaging the shooter as soon as possible.<sup>5</sup> Outrage after the delay in allowing fire and emergency medical services (EMS) to enter the Los Angeles International Airport following a mass shooting prompted fire and EMS to train to enter hostile environments

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<sup>1</sup> Federal Bureau of Investigation, *Uniform Crime Report: Law Enforcement Officers Killed and Assaulted, 2016* (Washington, DC: Federal Bureau of Investigation, 2017), 2, <https://ucr.fbi.gov/leoka/2016>.

<sup>2</sup> “Law Enforcement Officers Feloniously Killed: Type of Weapon, 2007–2016,” Federal Bureau of Investigation, accessed July 22, 2019, <https://ucr.fbi.gov/leoka/2016/tables/table-28.xls>.

<sup>3</sup> Victoria Freile and Doug Stanglin, “4 Firefighters Shot, 2 Killed at Webster, N.Y., Fire,” *USA Today*, December 24, 2012, <https://www.usatoday.com/story/news/nation/2012/12/24/webster-new-york-firefighter-shot/1788917/>.

<sup>4</sup> Jonece Star Dunigan, “Alabama Ambulance Crew Shot at While on Call,” EMS1, December 6, 2016, <https://www.ems1.com/ambulances-emergency-vehicles/articles/149883048-Ala-ambulance-crew-shot-at-while-on-call/>.

<sup>5</sup> Mike Wood, “The Next Generation of Active Shooter Response,” *Police One*, January 3, 2019, <https://www.policeone.com/active-shooter/articles/482527006-The-next-generation-of-active-shooter-response/>.

where a shooter may still be at large.<sup>6</sup> Some emerging response models within law enforcement are beginning to consider the roles that armed citizens may play in these scenarios.<sup>7</sup> However, as Michael Wood notes, the necessary evolution of these tactics comes about slowly in law enforcement and the fire service.<sup>8</sup>

A review of the literature on crisis events suggests that mass shootings and natural disasters have been triggers for dramatic changes in gun-related laws, policies, and social perceptions in the United States. Particularly following Hurricane Katrina and the Sandy Hook school shooting, citizens and legislators called for either relaxing or strengthening gun controls.<sup>9</sup> For example, in the wake of Hurricane Katrina, the federal government and several states passed legislation preventing the government from seizing citizens' weapons during a disaster.<sup>10</sup> Conversely, after the Sandy Hook school shooting, there were immediate calls to ban assault weapons, reduce the capacity of ammunition magazines, and require universal background checks.<sup>11</sup> Additionally, there were calls for arming schoolteachers and other employees to augment sworn school resource officers (SROs) or to defend schools without SROs on campus through a citizen-defender approach to protecting children.<sup>12</sup>

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<sup>6</sup> Dan Weikel, "\$25 Million Lawsuit in Death of TSA Officer Shot 12 Times at LAX," *Los Angeles Times*, October 8, 2014, <https://www.latimes.com/local/lanow/la-me-ln-lax-shooting-lawsuit-20141008-story.html>; and Mike Wood, "Fixing the Rescue Task Force," *Police One*, August 20, 2018, <https://www.policeone.com/police-products/body-armor/articles/479385006-Fixing-the-Rescue-Task-Force/>.

<sup>7</sup> Wood, "The Next Generation of Active Shooter Response."

<sup>8</sup> Wood.

<sup>9</sup> James M. La Valle, "Rebuilding at Gunpoint: A City-Level Re-Estimation of the Brady Law and RTC Laws in the Wake of Hurricane Katrina," *Criminal Justice Policy Review* 18, no. 4 (December 2007): 451–65, <https://doi.org/10.1177/0887403407299931>; and Aaron Kupchik, John J. Brent, and Thomas J. Mowen, "The Aftermath of Newton: More of the Same," *British Journal of Criminology* 55, no. 6 (November 2015): 1115–30, <https://doi.org/10.1093/bjc/azv049>.

<sup>10</sup> Allen Rostron, "Incrementalism, Comprehensive Rationality, and the Future of Gun Control," *Maryland Law Review* 67, no. 3 (2008): 526–29.

<sup>11</sup> Robert J. Spitzer, *The Politics of Gun Control*, 6th ed. (Boulder: Paradigm Publishers, 2015), 168–69.

<sup>12</sup> Sherman Lakeith Winston, "Equipping Teachers with Firearms to Promote Safety in U.S. Public High Schools" (PhD diss., Walden University, 2016), <https://scholarworks.waldenu.edu/dissertations/3219/>.

Some statistics show that the overall number of households with guns in them is at an all-time low.<sup>13</sup> However, gun sales, as measured by the annual number of firearm background checks conducted by the FBI's National Instant Check System, have steadily risen since 2001 and are currently over three times greater than they were before 2001.<sup>14</sup> The decrease in the number of households with firearms combined with the dramatic increase in gun sales seems to indicate that existing gun owners are purchasing more and more firearms, creating a high concentration of gun ownership.

Recent observations and research further suggest that crisis events may increase new gun sales and the demand for concealed carry permits.<sup>15</sup> Research by Levine and McKnight highlights that the majority of new firearms sold *after* crisis events, such as Sandy Hook, may be to first-time gun buyers.<sup>16</sup> Their research also indicates that this surge in gun sales may at least correlate with an uptick in accidental firearm-related deaths, which might be expected given an increase in first-time—and thus less experienced—gun buyers.<sup>17</sup> In this way, gun sales and ownership, especially in the aftermath of crisis events, may act as an informal barometer of the public's faith in the government's ability to protect the people.

Crisis events such as Hurricane Katrina and Sandy Hook can be linked to other firearm-related social and policy trends. On October 1, 2005, in the aftermath of Hurricane Katrina, the state of Florida passed a new type of self-defense law that has become known as the “stand-your-ground” law.<sup>18</sup> According to Spitzer, stand-your-ground laws represent an expansion of the preexisting “castle doctrine,” which generally allows a person to

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<sup>13</sup> Tom W. Smith and Jaesok Son, *Trends in Gun Ownership in the United States, 1972-2014* (Chicago: Non-Partisan Objective Research Council, University of Chicago, 2015), 3, [http://www.norc.org/PDFs/GSS%20Reports/GSS\\_Trends%20in%20Gun%20Ownership\\_US\\_1972-2014.pdf](http://www.norc.org/PDFs/GSS%20Reports/GSS_Trends%20in%20Gun%20Ownership_US_1972-2014.pdf).

<sup>14</sup> “NICS Firearm Checks: Month/Year,” Federal Bureau of Investigation, September 30, 2018, [https://www.fbi.gov/file-repository/nics\\_firearm\\_checks\\_-\\_month\\_year.pdf/view](https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view).

<sup>15</sup> Massad Ayoob, “Lethal Force, Katrina's Lessons: Selling the Right Stuff,” *Shooting Industry* 50, no. 11 (November 2005): 16; and Phillip B. Levine and Robin McKnight, “Firearms and Accidental Deaths: Evidence from the Aftermath of the Sandy Hook School Shooting,” *Science* 358, no. 6328 (December 8, 2017): 1324, <https://doi.org/10.1126/science.aan8179>.

<sup>16</sup> Levine and McKnight, “Firearms and Accidental Deaths,” 1325.

<sup>17</sup> Levine and McKnight, 1327.

<sup>18</sup> Spitzer, *The Politics of Gun Control*, 84.

defend oneself without a “duty to retreat” to one’s home.<sup>19</sup> Florida’s stand-your-ground law extends these rights to people using lethal force to defend themselves outside their homes.<sup>20</sup> Stand-your-ground laws presume that the shooter has acted in self-defense. This presumption shifts the burden of proof from the defendant to the prosecution to prove that the shooter *did not* act in self-defense. This shift in the burden of proof complicates law enforcement’s investigations of civilian shootings. For example, Florida’s stand-your-ground laws were likely the reason that charges were not filed against George Zimmerman in the 2012 shooting of Trayvon Martin, an unarmed African-American youth and may have contributed to a lackluster investigation of these events by the police.<sup>21</sup> While controversial, Spitzer’s research reveals significant increases in justifiable homicide rates and an insignificant decrease in violent crime in states that have enacted stand-your-ground laws.<sup>22</sup>

Other examples of how crisis events and firearms have changed the landscape in which law enforcement and emergency services operate are visible in the post–Sandy Hook debates about arming schoolteachers and staff, as well as relaxing prohibitions on the carrying of firearms on school property.<sup>23</sup> This national trend toward expanding access to firearms has resulted in the enactment of almost 400 “pro-gun” pieces of legislation that relax laws on who can carry firearms, where guns can be carried, and when lethal force can be used.<sup>24</sup> Meanwhile, the number of concealed weapon permits issued in the United States has increased rapidly from approximately 2.4 million permits in 1999 to over 16 million in 2017.<sup>25</sup> Americans continue to acquire permits to carry a concealed weapon (CCW)—with

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<sup>19</sup> Spitzer, 85.

<sup>20</sup> Spitzer, 84.

<sup>21</sup> Spitzer, 85–86.

<sup>22</sup> Spitzer, 87–89.

<sup>23</sup> Kupchik, Brent, and Mowen, “The Aftermath of Newton,” 1118.

<sup>24</sup> Matt Vasilogambros, “Since Sandy Hook, More NRA-Backed Gun Legislation Has Passed Than Laws to Restrict Guns,” Huffington Post, March 3, 2018, [https://www.huffingtonpost.com/entry/hundreds-of-new-state-gun-laws-most-expand-access\\_us\\_5a995f07e4b06a04fecca7e6](https://www.huffingtonpost.com/entry/hundreds-of-new-state-gun-laws-most-expand-access_us_5a995f07e4b06a04fecca7e6).

<sup>25</sup> John R. Lott, *Concealed Carry Permit Holders across the United States: 2018* (Alexandria, VA: Crime Prevention Research Center, 2018), 7.

the number of new permits being issued yearly growing from about 240,000 per year between 1999 and 2007 to a record 1.7 million new permits in 2017.<sup>26</sup>

These seemingly contradictory statistics suggest a changing dynamic in gun ownership in the United States. While, overall, there may be a fewer number of households with firearms in them, those with firearms are buying more and more of them as well as acquiring the permits and licenses necessary to carry their firearms outside the home. Furthermore, crisis events seem to motivate those who have not previously owned firearms to acquire them. This growing access to firearms comes at a time when the public may have diminished faith in all levels of government to protect the people.

The lessons from Hurricane Katrina are still on citizens' minds. Joseph Giannell affirms that Katrina provided a real-life example of when "gun ownership was one of the only accessible means for safety" due to looting and the defection or criminal misconduct of the New Orleans Police Department.<sup>27</sup> Furthermore, both Giannell and Crusto use Katrina as a backdrop to demonstrate the government's ineptitude and corruption during crisis scenarios.<sup>28</sup> Likewise, according to Ladd, Gill, and Marszalek, a majority of college students in New Orleans during Hurricane Katrina now expresses distrust in the ability of local, state, and federal government to meet the needs of citizens in a crisis.<sup>29</sup> More recently, the failure of Broward County Deputy Scot Peterson to enter Marjory Stoneman High School, in Parkland, Florida, to subdue active shooter Nicholas Cruz has led to outrage over law enforcement's inability to protect those in their care.<sup>30</sup>

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<sup>26</sup> Lott, 8.

<sup>27</sup> Joseph Giannell, "Second Amendment through the Eyes of the Impoverished," *Southern Regional Black Law Students Journal* 2 (2007): 73–74; and Mitchell F. Crusto, "State of Emergency: An Emergency Constitution Revisited," *Loyola Law Review* 61, no. 3 (2015): 486.

<sup>28</sup> Crusto, "State of Emergency," 486; and Giannell, "Through the Eyes of the Impoverished," 73.

<sup>29</sup> Anthony E. Ladd, Duane A. Gill, and John Marszalek, "Riders from the Storm: Disaster Narratives of Relocated New Orleans College Students in the Aftermath of Hurricane Katrina," *Journal of Public Management & Social Policy* 13, no. 2 (Fall 2007): 64–65.

<sup>30</sup> Amy Held, "Ex-Deputy Who Stayed Outside during Parkland Shooting Getting \$8,702 Monthly Pension," NPR, May 17, 2018, <https://www.npr.org/sections/thetwo-way/2018/05/17/611923342/ex-deputy-who-stayed-outside-during-parkland-shooting-getting-8-702-monthly-pens>.

The increase in the number of firearms, growth in the numbers of potentially armed people, the relaxation of the rules of engagement in the use of deadly force, and a lack of faith in the government's ability to protect the citizenry have made the emergency-response landscape dangerous for law enforcement and emergency services personnel. These agencies are often caught between their responsibilities to respond effectively to victims of gun violence and this new landscape. Law enforcement is expected to enter scenes immediately with active shooters rather than to establish a perimeter and await a SWAT unit.<sup>31</sup> Firefighters and ambulance personnel can no longer remain at a safe distance until law enforcement secures the scene; they are now expected to deploy "rescue task forces" alongside law enforcement to rescue victims at mass shootings, even while the perpetrator may still be at large.<sup>32</sup> Law enforcement has begun issuing rifles and improved ammunition for officer safety.<sup>33</sup> There are now recommendations that firefighters and ambulance personnel carry body armor and receive training in specific gunshot-related trauma care, including the use of tourniquets.<sup>34</sup> There is also a renewed emphasis on first responders maintaining a heightened level of situational awareness to prepare themselves mentally for a violent or armed encounter.<sup>35</sup>

In summary, crisis events have altered Americans' views on the ability of the government to protect them from threats, both real and perceived. Because of this changing landscape, it is critical to examine how crisis events will further affect the tactical, operational, and strategic plans that law enforcement and emergency services must make in response to evolving gun-related dynamics in the United States. Additionally, it is

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<sup>31</sup> Wood, "The Next Generation of Active Shooter Response."

<sup>32</sup> Dan Danaher, "Mistaken Assumptions and Lessons Learned during Rescue Task Force Training," Police One, February 20, 2018, <https://www.policeone.com/police-products/tactical/articles/471140006-Mistaken-assumptions-and-lessons-learned-during-rescue-task-force-training/>; and Wood, "Fixing the Rescue Task Force."

<sup>33</sup> Mike Callahan, "4 Ways PDs Can Justify a Patrol Rifle Program," Police One, May 2, 2018, <https://www.policeone.com/police-products/firearms/articles/471820006-4-ways-PDs-can-justify-a-patrol-rifle-program/>.

<sup>34</sup> Danaher, "Mistaken Assumptions and Lessons Learned."

<sup>35</sup> "How to Maintain Situational Awareness While on Duty," Police One, August 21, 2017, <https://www.policeone.com/police-products/apparel/articles/412911006-How-to-maintain-situational-awareness-while-on-duty/>.

essential to explore how local government agencies interact with gun owners in advance of emergencies that might result in encounters between law enforcement and armed private citizens.

#### **A. RESEARCH QUESTION**

How should law enforcement and emergency services evaluate and respond to the tactical, operational, and strategic challenges that have emerged from the political and legal outcomes of Hurricane Katrina and the Sandy Hook school shooting (crisis events that prompted very different political and cultural responses but have broad implications for first responders)?

#### **B. RESEARCH DESIGN**

This thesis examines the unintended consequences for law enforcement and emergency services of changes to gun-related laws and policies that have evolved in the aftermath of Hurricane Katrina and Sandy Hook. These two events were selected because they represent watershed moments in American culture regarding the acquisition and possession of firearms by civilians. The aftermath of Hurricane Katrina deepened the conversation about right-to-carry and stand-your-ground policies underpinned by a perception that the government was unable to protect the citizenry during and after the crises.<sup>36</sup> Katrina also deepened gun enthusiasts' perceptions that the government is willing to confiscate citizens' firearms.<sup>37</sup> The moral panic following the Sandy Hook shooting ignited the debate over arming teachers, supported (in part) by the good-guy-with-a-gun paradigm popular among proponents of self-defense.<sup>38</sup> Connecticut's ban on more than 150 types of guns following the Sandy Hook shooting may have provided gun owners a similar backdrop to the confiscation of guns during Hurricane Katrina, not to mention proof

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<sup>36</sup> Giannell, "Through the Eyes of the Impoverished," 73.

<sup>37</sup> Giannell, 74.

<sup>38</sup> Kupchik, Brent, and Mowen, "The Aftermath of Newton," 1118–20.

of the government's willingness to restrict firearms before and after a crisis event.<sup>39</sup> Together, these two events present some measurable social, legal, and policy responses in the wake of both man-made and natural crisis events.

The principal source of information for this thesis consists of the literature available on legal changes, such as stand-your-ground laws, and policy changes, such as the arming of non-sworn school officials, which have occurred in the wake of crisis events such as Hurricane Katrina and Sandy Hook. Additional data come from law enforcement and government reports on recommended changes to policies and procedures for enhanced response to gun-related incidents. Finally, a review of media reporting and public opinion polls provides a holistic view of how Americans expect law enforcement and emergency services to respond to such events in the future.

### **C. CHAPTER OUTLINE**

Chapter II reviews the literature on motivations behind gun ownership in America. It also examines how crisis events such as Sandy Hook and Hurricane Katrina may have altered Americans' perceptions of gun ownership. Finally, it reviews the literature surrounding the phenomenon of disaster convergence and sets the stage for its application in a setting of increased gun-carrying and relaxed rules of engagement for the civilian use of deadly force.

Chapter III provides background material on these events in a sequential format designed to demonstrate their relevance, similarities, and differences. Each examination begins with an abbreviated background followed by a study of societal responses, such as perceptions of firearm use and ownership as well as the legislative and policy initiatives proposed in the aftermath of Hurricane Katrina and Sandy Hook. These policy and legislative outcomes form the boundaries of this thesis. The discussion and analysis highlight hypothetical scenarios that explore the new tactical, operational, and strategic

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<sup>39</sup> Lori Mack, "What's Been the Impact of Connecticut's Gun Laws after Sandy Hook?," Connecticut Public Radio, December 8, 2017, 2, <http://www.wnpr.org/post/whats-been-impact-connecticuts-gun-laws-after-sandy-hook>.

landscape created by the gun-related legal, policy, and social responses to these crisis events.

Chapter IV explores the hypothetical of a school shooting and the immediate community response, considering the convergence of multiple armed civilians and school staff along with the deployment of emergency services personnel. This scenario presents first responders with challenges involving target identification, resource allocation, and public messaging. The scenario examines methods for discouraging this kind of convergence reaction as well as tactics and techniques for managing the convergence of armed civilians on an active shooter scene while law enforcement is responding to the situation.

Chapter V examines a public safety response to a natural disaster in which armed citizens, empowered by stand-your-ground laws, actively resist government assistance out of distrust of the government's intentions and ability to help them. This scenario addresses public safety messaging during crisis events to populations, distrustful of the government, who feel empowered to use lethal force against first responders to defend themselves and their property. The purpose of these hypothetical scenarios is to illuminate the "new normal" and to project what challenges law enforcement and emergency services might face because of past crisis events.

Following each scenario is an analysis of some of the significant points illustrated by the literature vis-à-vis the scenarios. This thesis acknowledges that using hypothetical scenarios might create generalizations that demonstrate correlation but not necessarily causation of many of the conditions that it describes. Nonetheless, the examination of the convergence of these firearm-related trends illustrates how the threat landscape facing law enforcement, fire, and EMS is changing and allows for the extrapolation of how these issues will confront public safety agencies.

Chapter VI concludes with prescriptive recommendations for communities and their leadership in confronting the challenges illuminated in the scenarios at the strategic, operational, and tactical levels.

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## II. LITERATURE REVIEW

Numerous societal influences have created a robust American gun culture—and the problems that accompany it. This literature review explores some of the motivations surrounding gun ownership in America. It then goes on to examine how the crisis events of Hurricane Katrina and the Sandy Hook school shooting changed the American gun culture and altered the debate over guns and the public policies surrounding them. Finally, the literature review introduces the disaster phenomenon of convergence as well as the problem for public safety organizations and officers of armed citizens converging during crisis events. This literature review establishes a baseline from which strategic, operational, and tactical adjustments by law enforcement and emergency service agencies become necessary.

### A. WHO ARE GUN OWNERS, AND WHY DO THEY OWN GUNS?

Joan Burbick asserts that the American gun culture and its frontier origins reinforce the idea that gun owners are people of action.<sup>40</sup> Burbick uses examples ranging from Buffalo Bill's Wild West Show to modern-day western-themed movies to reinforce the idea that gun owners are people who exhibit a bias for action.<sup>41</sup> She identifies a culture of "frontier masculinity" in which the white, male hero "always gets his man, [and] always triumph[s]."<sup>42</sup> Melzer agrees with Burbick regarding the frontier foundations of America's gun culture, noting that the cultural philosophy of the National Rifle Association (NRA) and its members is one of "frontier masculinity" and a "do-it-yourself attitude."<sup>43</sup> Melzer goes on to state that those subscribing to the idea of frontier masculinity believe that "a

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<sup>40</sup> Joan Burbick, *Gun Show Nation: Gun Culture and American Democracy* (New York: New Press, 2006). Burbick's book describes America's romanticized frontier history of the 18th and 19th centuries, which has been portrayed as one of hard work and self-reliance, and where the good guy (often a white male) always gets his man. Burbick shows how these beliefs have been perpetuated by movies, media, and segments of the American gun-culture.

<sup>41</sup> Burbick, 7.

<sup>42</sup> Burbick, 13.

<sup>43</sup> Scott Melzer, *Gun Crusaders: The NRA's Culture War* (New York: New York University Press, 2009), 25.

country whose citizens have to rely on the government for personal safety or basic needs is a country that is lazy and apathetic, and ultimately undemocratic.”<sup>44</sup>

Burbick and Melzer both characterize “fear” as a major contributor to gun ownership. NRA members, says Melzer, “fear losing their guns, and they fear losing their freedoms.”<sup>45</sup> For NRA members, says Melzer, “freedom” is synonymous with minimal government intervention and a focus on self-reliance for basic needs such as self-defense. Meanwhile, Burbick associates gun owners’ fears with cultural issues ranging from post-reconstruction racism to the rise of communism.<sup>46</sup>

Stroebe, Leander, and Kruglanski offer a contrasting cultural perspective to that of Burbick and Melzer about Americans’ attachment to firearms. While Stroebe, Leander, and Kruglanski find no clear indicators that gun ownership is related to real or specific threats, they trace gun ownership to a more diffuse concept of “belief in a dangerous world.”<sup>47</sup> According to the authors, individuals “see the world as a dangerous place, as society teeters on the brink of self-destruction from evil and violence.”<sup>48</sup> Stroebe, Leander, and Kruglanski’s dangerous-world concept parallels Melzer’s observation of fear as a prime motivation for gun ownership.

The net result of Burbick’s, Melzer’s and Stroebe, Leander, and Kruglanski’s work is a framework through which public safety officers should view much of the gun-owning community. If Burbick and Melzer are correct in their assessments of gun owners, it is possible that individuals who view themselves as people of action, empowered by visions of frontier masculinity, will not likely sit idly by when dangerous events unfold around them. Stroebe, Leander, and Kruglanski’s “belief in a dangerous world” may provide such

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<sup>44</sup> Melzer, 28.

<sup>45</sup> Melzer, 2.

<sup>46</sup> Burbick, *Gun Show Nation*, 19–29, 51.

<sup>47</sup> Wolfgang Stroebe, N. Pontus Leander, and Arie W. Kruglanski, “Is It a Dangerous World out There? The Motivational Bases of American Gun Ownership,” *Personality and Social Psychology Bulletin* 43, no. 8 (2017): 1072, <https://doi.org/10.1177%2F0146167217703952>.

<sup>48</sup> Stroebe, Leander, and Kruglanski, 1073.

individuals the rationale to arm themselves for their defense and the defense of others. Crisis events, even terrible one-offs such as Hurricane Katrina or Sandy Hook, may justify to some gun owners not only their possession of firearms but their use as well. Public safety agencies must address not only gun owners' fears but also their responses to these fears to operate in the modern landscape.

## **B. SANDY HOOK AS A CRISIS EVENT**

One of the sources of Americans' "belief in a dangerous world" may be what Nicholas Johnson terms "episodic design incompetence"—specific events that fall outside the norm and illustrate the government's inability to protect the citizenry.<sup>49</sup> One such event was the Sandy Hook school shooting in 2012 in Newton, Connecticut, which resulted in the shocking deaths of 20 young children and six adults. This event has influenced the debate over the proper role of firearms in the United States and had numerous policy and legislative effects.

Responses from the public following the Sandy Hook shooting focused on protecting schools and restricting firearms.<sup>50</sup> According to Schildkraut and Muschert, no school shooting since the Columbine school shooting in 1999 has garnered the attention or remained relevant to the public for so long.<sup>51</sup> Schildkraut and Muschert suggest that while school shootings can create "moral panic" among the public, the way the media "framed" the Sandy Hook shooting led to its prolonged presence as a news story.<sup>52</sup> Specifically, they note that after Columbine, the media focused largely on the victims of the shooting.<sup>53</sup>

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<sup>49</sup> Stroebe, Leander, and Kruglanski, "Is It a Dangerous World out There?"; and Nicholas J. Johnson, "Imagining Gun Control in America: Understanding the Remainder Problem Article and Essay," *Wake Forest Law Review* 43 (2008): 850.

<sup>50</sup> Kupchik, Brent, and Mowen, "The Aftermath of Newton," 1118.

<sup>51</sup> Jaelyn Schildkraut and Glen W. Muschert, "Media Salience and the Framing of Mass Murder in Schools: A Comparison of the Columbine and Sandy Hook Massacres," *Homicide Studies* 18, no. 1 (2014): 29–39, <https://doi.org/10.1177%2F1088767913511458>.

<sup>52</sup> Schildkraut and Muschert, "Framing of Mass Murder in Schools."

<sup>53</sup> Schildkraut and Muschert, 31.

However, following Sandy Hook, the media spent much more time on the issues of the role of guns in society and gun control than on the victims.<sup>54</sup> As a result, claim Schildkraut and Muschert, “Sandy Hook was seen as a reflection of broader social problems in the nation” and might have been one of the reasons that so many gun control propositions followed the shooting.<sup>55</sup> Similarly, according to Rostron, the NRA was able to create a moral panic among gun owners following Hurricane Katrina by furthering the narrative of governmental gun confiscation and drawing attention away from the other tragedies of the hurricane.<sup>56</sup>

In a separate article, Schildkraut, writing with Tiffany Cox-Hernandez, supports researcher Gary Kleck’s assessment that many of the proposed gun control schemes in the wake of school shootings would not have prevented the shooting or reduced the number of fatalities and injuries.<sup>57</sup> They suggest that many of the gun control propositions promoted in the wake of Sandy Hook were intended to “ease the mind of citizens who fear[ed] future attacks and to provide assurance that something [was] being done to address gun violence.”<sup>58</sup> This finding is consistent with the conclusions of Schildkraut and Muschert: “The response is to rush what can be considered ‘feel good’ or even ‘feel better’ legislation to the floor, little of which passes.”<sup>59</sup>

Kupchick, Brent, and Mowen observe that events like Sandy Hook likely activated the “moral sensibilities” on the pro-gun side as well, citing NRA Executive Vice President Wayne LaPierre’s famous “good guy with a gun” statement.<sup>60</sup> After a school shooting in California, one pro-gun supporter bluntly summed up his side of the debate, allegedly

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<sup>54</sup> Schildkraut and Muschert, 31.

<sup>55</sup> Schildkraut and Muschert, 37.

<sup>56</sup> Rostron, “Incrementalism, Comprehensive Rationality,” 524–31.

<sup>57</sup> Jaelyn Schildkraut and Tiffany Cox-Hernandez, “Laws That Bit the Bullet: A Review of Legislative Responses to School Shootings,” *American Journal of Criminal Justice* 39, no. 2 (June 2014): 369, <https://doi.org/10.1007/s12103-013-9214-6>.

<sup>58</sup> Schildkraut and Cox-Hernandez, 370.

<sup>59</sup> Schildkraut and Muschert, “Framing of Mass Murder in Schools,” 39.

<sup>60</sup> Kupchik, Brent, and Mowen, “The Aftermath of Newton,” 1115.

saying, “Your dead kids don’t trump my constitutional rights.”<sup>61</sup> Kupchick, Brent, and Mowen further observe that despite politicians’, educators’, and the public’s derision of LaPierre and the NRA’s “good guy with a gun” stance, it is the policy that has been implemented by schools across the nation.<sup>62</sup> Furthermore, while hundreds of new gun laws have been enacted across the nation since Sandy Hook, most of them have loosened gun restrictions rather than tightening them.<sup>63</sup>

The Sandy Hook school shooting also ignited the debate over the efficacy of arming schoolteachers and staff. According to Rostron, following his good-guy-with-a-gun comment, LaPierre and the NRA alluded to enlisting volunteer armed school security officers from the ranks of former law enforcement, military, public safety organizations, and the “extraordinary corps of patriotic, trained[,] qualified citizens.”<sup>64</sup> Rostron notes that South Dakota passed legislation in 2013 permitting, but not requiring, school boards to authorize armed “sentinels” and to arm school employees in conjunction with citizen and law enforcement involvement.<sup>65</sup> Rostron concludes that while Sandy Hook created many legislative initiatives within states, only a few laws were passed, most of which have been tied up by insurance issues and local concerns.<sup>66</sup> These were missed opportunities, claims Rostron: “If a few states really put guns in all or most classrooms, this country would at least get an opportunity to see what effects it would have.”<sup>67</sup>

Researchers Levine and Mcknight have studied some of the unintended consequences of the Sandy Hook shooting. They believe that the effects of Sandy Hook led to the purchase of an additional three million guns, above and beyond those that would

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<sup>61</sup> Kupchik, Brent, and Mowen, 1123.

<sup>62</sup> Kupchik, Brent, and Mowen, 1119.

<sup>63</sup> Vasilogambros, “Since Sandy Hook.”

<sup>64</sup> Allen Rostron, “School Shootings and the Legislative Push to Arm Teachers,” *University of Toledo Law Review* 45, no. 3 (Spring 2014): 442.

<sup>65</sup> Rostron, 444.

<sup>66</sup> Rostron, 452.

<sup>67</sup> Rostron, 453.

ordinarily be sold, by Americans in the five months following the shootings at Sandy Hook.<sup>68</sup> They also contend that—based on the statistics from California—first-time gun buyers purchased the majority of these firearms.<sup>69</sup> Their statistical research concludes that an additional 59 accidental deaths, including those of 20 children, could be attributed to this influx of additional firearms, which may be in keeping with accidents made by first-time gun purchasers.<sup>70</sup> Because Levine and McKnight base their research on FBI background checks conducted by licensed firearms dealers, it seems likely that the actual numbers of firearms sold are much higher than the five million cited by the authors given the number of private, unreported sales. A second limitation of Levine and McKnight's work is that it considers only accidental deaths and excludes homicides or injuries caused by firearms.

The events surrounding Hurricane Katrina and Sandy Hook seem to serve as cases in point that reinforce Stroebe, Leander, and Kruglanski's "belief in a dangerous world" within the American psyche.<sup>71</sup> For instance, according to Crusto, following the landfall of Hurricane Katrina, some 200 New Orleans Police Department officers abandoned their jobs, creating a shortage of personnel to respond to the disaster.<sup>72</sup> Additionally, says Giannell, some of the officers who remained were accused of criminal actions such as looting, murder, and planting evidence on their victims.<sup>73</sup> Furthermore, Belser states that even the Louisiana National Guard had difficulty controlling the activity of gang members at the emergency housing facility at the Superdome.<sup>74</sup> Finally, Crusto recounts how the mayor of New Orleans and his chief of police ordered the confiscation of firearms from

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<sup>68</sup> Levine and McKnight, "Firearms and Accidental Deaths," 1324.

<sup>69</sup> Levine and McKnight, "Firearms and Accidental Deaths."

<sup>70</sup> Levine and McKnight.

<sup>71</sup> Stroebe, Leander, and Kruglanski, "Is It a Dangerous World out There?," 1073.

<sup>72</sup> Crusto, "State of Emergency," 486.

<sup>73</sup> Giannell, "Through the Eyes of the Impoverished," 73; and Crusto, "State of Emergency," 488.

<sup>74</sup> Matthew S. Belser, "Martial Law after the Storm: A Constitutional Analysis of Martial Law and the Aftermath of Hurricane Katrina," *Southern University Law Review* 35, no. 1 (2007): 163–65.

those remaining in the decimated city.<sup>75</sup> Ultimately, says Belser, even some of those trying to flee New Orleans to the suburbs were turned away by armed agents of local government.<sup>76</sup>

Unlike the discussions following the Sandy Hook shooting, the narrative that followed Hurricane Katrina focused more on defending the rights of gun owners. As an example, Louisiana H.B. 760, passed in 2006, prevents the confiscation of firearms during an emergency while giving the chief law enforcement officer five days to regulate firearm storage, possession, display, sale, and transportation.<sup>77</sup> Likewise, Congress proposed the Disaster Recovery Personal Protection Act that same year, which would have placed further restrictions on the confiscation of firearms during a declared disaster; it was adopted as the Vitter Amendment to the Department of Homeland Security Appropriations Act in 2007.<sup>78</sup>

When Stroebe, Leander, and Kruglanski’s “belief in a dangerous world” is conceptualized alongside the ideas of “frontier masculinity” and the “do-it-yourself” attitudes described by Melzer and Burbick, the NRA’s good-guy-with-a-gun stance and calls for arming school staff make sense—at least to some.<sup>79</sup> The dramatic rise in firearm sales, massive increases in the number of concealed weapon permits, and calls for the relaxing of gun regulations all become logical outcomes of this train of thought.

If the prevailing solution to gun violence continues to be to inject more guns—and armed citizens—into society, then public safety organizations should take this changing landscape into account in the development of strategic, operational, and tactical policies

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<sup>75</sup> Crusto, “State of Emergency,” 491–94.

<sup>76</sup> Belser, “Martial Law after the Storm,” 165.

<sup>77</sup> Jeffrey D. Sadow, “Legislative Regular Session through Jun. 24,” *Louisiana Legislature Log* (blog), June 24, 2006, [http://laleglog.blogspot.com/2006/06/legislative-regular-session-through\\_24.html](http://laleglog.blogspot.com/2006/06/legislative-regular-session-through_24.html).

<sup>78</sup> Department of Homeland Security Appropriations Act, Pub. L. No. 109–295, 120 Stat. 1391 (2006), <https://www.congress.gov/109/plaws/publ295/PLAW-109publ295.pdf>.

<sup>79</sup> Rostron, “School Shootings and the Legislative Push,” 442–43.

and training. Understanding how these evolving conditions will affect the operating environment in which law enforcement and emergency services work is key to developing new policies and training. Convergence theory is one tool that can be used for this purpose.

### **C. DISASTER CONVERGENCE**

Convergence is a well-documented disaster phenomenon that has yet to be fully applied to the planning and response process for crisis events and the increase in armed citizens.<sup>80</sup> When a disaster unfolds over several hours or days, the influx of people and equipment to the disaster area can be challenging for public safety officers and impair their ability to stabilize the event. However, the arrival and presence of armed citizens may further complicate public safety officers' jobs in an already challenging environment.

First discerned by Fritz and Mathewson in 1957, convergence is the principle that people, equipment, and information will move toward the disaster site following a disaster.<sup>81</sup> This movement, according to Fritz and Mathewson, comes from either outside of the disaster perimeter (external convergence) or areas within the immediate area of the disaster site (internal convergence).<sup>82</sup> Figure 1 depicts Fritz and Mathewson's visual representation of convergence behavior during disasters.

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<sup>80</sup> Charles E. Fritz and J. H. Mathewson, *Convergence Behaviors in Disasters: A Problem in Social Control*, Disaster Study No. 9 (Washington, DC: National Academy of Sciences, National Research Council, 1957), <https://archive.org/details/convergencebehav00fritrich>.

<sup>81</sup> Fritz and Mathewson, 1.

<sup>82</sup> Fritz and Mathewson, 3.

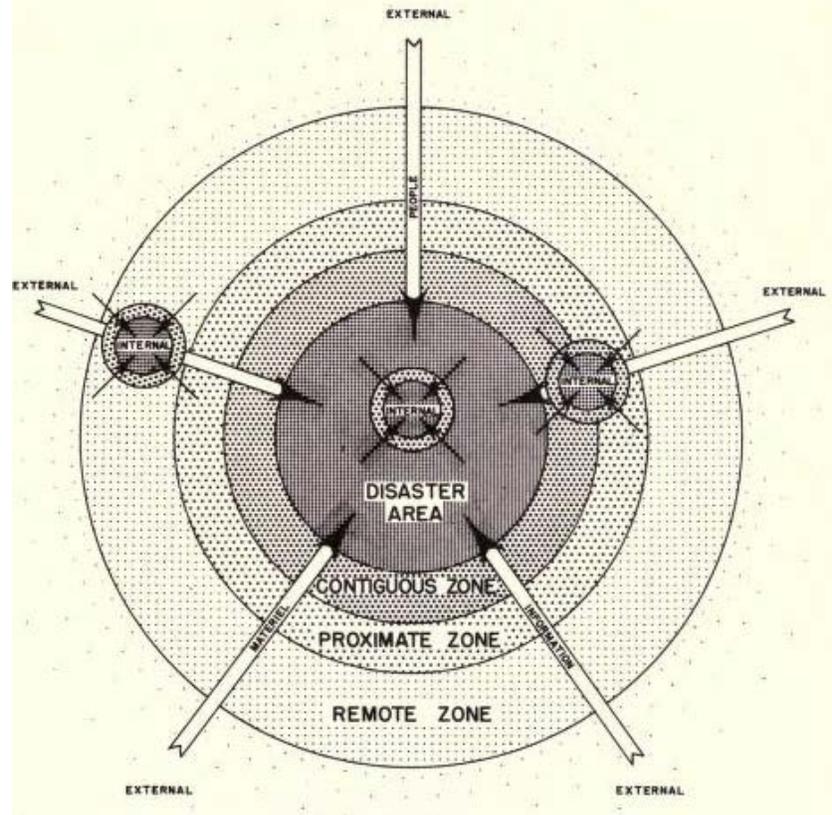


Figure 1. A Spatial Model of Convergence Behavior<sup>83</sup>

Fritz and Mathewson assign contiguous, proximate, and remote zones to areas external to the disaster. The contiguous zone is the unaffected area immediately surrounding the disaster area.<sup>84</sup> The proximate zone consists of communities outside the affected disaster area.<sup>85</sup> The remote zone, according to Fritz and Mathewson, may vary in size and distance but is far enough away that news of the disaster may not immediately reach people in it.<sup>86</sup> Survivors of the disaster are most likely to flee to the contiguous or proximate zones while the majority of convergers will likely come from these same locations. Kendrick and Wachtendorf express limited faith in the ability of Fritz and

<sup>83</sup> Source: Fritz and Mathewson, *Convergence Behaviors in Disasters*, 6–7.

<sup>84</sup> Fritz and Mathewson, 5.

<sup>85</sup> Fritz and Mathewson, 5.

<sup>86</sup> Fritz and Mathewson, 5.

Mathewson's use of concentric circles to adequately represent patterns of convergence.<sup>87</sup> Instead, they believe that convergence should be studied based on the legitimacy of the motivations causing people to move toward a disaster.<sup>88</sup> For example, law enforcement and EMS workers have legitimate reasons for moving toward the scene of an active shooter. The media's convergence on the same scene has somewhat less legitimacy. Meanwhile, "gawkers" and curious members of the community claim the least legitimacy in this scenario.

Fritz and Mathewson identify several different motivations for the convergence of people at a disaster scene. Each type of converger can be defined by its needs and motivations, which vary.<sup>89</sup> Furthermore, claim Kendra and Wachtendorf, the types of convergers demonstrate varying levels of legitimacy in their claims to be present during crisis events.<sup>90</sup> In this manner, says Kendra and Wachtendorf, convergence becomes "a physical manifestation of the social construction of the disaster: simultaneously reflecting and helping to constitute it."<sup>91</sup>

First, claim Fritz and Mathewson, are the "returnees"—those who were evacuated or departed under their own power from the disaster site.<sup>92</sup> Included in the returnees are "substitutes" such as friends and family who have gone to the disaster site to assist their relatives or loved ones.<sup>93</sup> This same demographic may choose to converge on a disaster out of anxiety for missing loved ones and is classified as "the anxious" by Fritz and Mathewson.<sup>94</sup> A third demographic identified by Fritz and Mathewson is termed the

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<sup>87</sup> James M. Kendra and Tricia Wachtendorf, "Reconsidering Convergence and Converger Legitimacy in Response to the World Trade Center Disaster," in *Terrorism and Disaster: New Threats, New Ideas*, ed. Lee Clarke (Bingley, UK: Emerald Group Publishing, 2003), 99, [https://doi.org/10.1016/S0196-1152\(03\)11007-1](https://doi.org/10.1016/S0196-1152(03)11007-1).

<sup>88</sup> Kendra and Wachtendorf, 99.

<sup>89</sup> Fritz and Mathewson, *Convergence Behaviors in Disasters*, 3.

<sup>90</sup> Kendra and Wachtendorf, "Reconsidering Convergence and Converger Legitimacy," 103–4.

<sup>91</sup> Kendra and Wachtendorf, 103.

<sup>92</sup> Fritz and Mathewson, *Convergence Behaviors in Disasters*, 30.

<sup>93</sup> Fritz and Mathewson, 30.

<sup>94</sup> Fritz and Mathewson, 37.

“helpers.”<sup>95</sup> They deliver informal and uncoordinated volunteer assistance to disaster victims.<sup>96</sup> A fourth category consists of those individuals who converge on a disaster scene out of curiosity, typified by those without direct ties to the area involved and without specific intent to assist the victims.<sup>97</sup> The final category, say Fritz and Mathewson, comprises “the exploiters.”<sup>98</sup> Examples of exploiters are looters, souvenir hunters, those wishing to cash in on relief provisions, and people looking to profit from the disaster.<sup>99</sup> During an intentional act of violence, such as an active shooter incident, individuals in this category may slow the authorities’ ability to distinguish among the victims, perpetrators, and the curious, which may further delay an organized response.

Kendra and Wachtendorf emphasize that convergers’ classifications are dynamic and may change as their motivations and needs change over the course of the crisis event.<sup>100</sup> Not only may convergers’ typologies change, but the convergers are also likely to display varying degrees of legitimacy. Finally, the findings of Hughes et al. demonstrate that each type of physical converger identified by Fritz and Mathewson and Kendra and Wachtendorf has a counterpart in cyberspace following disasters.<sup>101</sup> These online convergers and the velocity at which information travels over the internet may further complicate legitimate response efforts by distracting from real issues. For instance, Rostron states, “Perhaps the most appalling aspect of the New Orleans gun seizure saga is that it managed to distract attention from the enormously greater injustices and tragedies that occurred in the wake of the hurricane.”<sup>102</sup> In future situations like this, online exploiters

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<sup>95</sup> Fritz and Mathewson, 40.

<sup>96</sup> Fritz and Mathewson, 41.

<sup>97</sup> Fritz and Mathewson, 46–47.

<sup>98</sup> Fritz and Mathewson, 50.

<sup>99</sup> Fritz and Mathewson, 50–57.

<sup>100</sup> Kendra and Wachtendorf, “Reconsidering Convergence and Converger Legitimacy,” 104.

<sup>101</sup> Amanda L. Hughes et al., “‘Site-Seeing’ in Disaster: An Examination of On-Line Social Convergence,” in *Proceedings of the Fifth International ISCRAM Conference*, ed. F. Fiedrich and B. Van de Walle (Washington, DC: Information Systems for Crisis Response and Management, 2008), 331, [http://idl.iscrum.org/files/hughes/2008/605\\_Hughes\\_etal2008.pdf](http://idl.iscrum.org/files/hughes/2008/605_Hughes_etal2008.pdf).

<sup>102</sup> Rostron, “Incrementalism, Comprehensive Rationality,” 531.

may rapidly converge on disasters and manipulate these tragedies for their benefit or, conversely, serve as watchdogs for official misconduct.

More recent examinations of the convergence phenomenon suggest additional categories of human convergers.<sup>103</sup> Kendra and Wachtendorf identified a new type of converger during their study of convergence at the World Trade Center following 9/11 that they termed “the supporter.”<sup>104</sup> Supporters came to show their moral support for emergency workers and were characterized by such actions as the placement of banners and thank-you notes.<sup>105</sup> This motivation is likely responsible for the convergence of hundreds of armed citizens at Cliven Bundy’s Nevada ranch in 2014, which prevented agents of the federal government from rounding up Bundy’s illegally grazing cattle.<sup>106</sup>

Regardless of the reason for the convergence, this ingress of people to the scene of a disaster causes many problems. Fritz and Mathewson document instances when road congestion delayed firefighting apparatuses from arriving on the scene, hampering fire suppression efforts.<sup>107</sup> Related traffic issues have been documented, such as the delay of ambulances en route to hospitals with injured patients or the blocking of hospitals altogether.<sup>108</sup> Kendra and Wachtendorf’s experiences at ground zero following 9/11 confirm that managing the needs of the returnees as well as those of other convergers occupied much of the authorities’ time and resources.<sup>109</sup>

Information convergence is the second factor studied by Fritz and Mathewson.<sup>110</sup> The two-way nature of communications complicates the problems associated with information convergence. According to the authors, incoming information and

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<sup>103</sup> Hughes et al., “‘Site-Seeing’ in Disaster,” 325.

<sup>104</sup> Kendra and Wachtendorf, “Reconsidering Convergence and Converger Legitimacy,” 115.

<sup>105</sup> Kendra and Wachtendorf, 115–16.

<sup>106</sup> Sandra J. Ribando, Amanda J. Reinke, and Scott Gorectke, “In the Crosshairs: The American Radical Right and Government Employees,” *Questions in Politics* 2 (2015): 130.

<sup>107</sup> Fritz and Mathewson, *Convergence Behaviors in Disasters*, 10.

<sup>108</sup> Fritz and Mathewson, 9.

<sup>109</sup> Kendra and Wachtendorf, “Reconsidering Convergence and Converger Legitimacy,” 105–20.

<sup>110</sup> Fritz and Mathewson, *Convergence Behaviors in Disasters*, 15.

communications are the dominant types immediately after a disaster.<sup>111</sup> Outgoing information in response to the initial influx can further disrupt communication networks, resulting in delays and the further spread of misinformation.<sup>112</sup> Fritz and Mathewson conclude that delays in information dissemination lead to the spread of erroneous, ambiguous, and sensational stories.<sup>113</sup> This same delay in information transmission may also encourage armed citizens to move toward the disaster site. Finally, Fritz and Mathewson state, “The falsity of disaster information is perhaps a less frequent stimulator of convergence than the ambiguity of information.”<sup>114</sup> Therefore, providing information to the public as it becomes available is a better strategy for reducing convergence behavior than providing no information whatsoever.

Although Fritz and Mathewson offer a compelling framework by which to analyze 20th-century convergence dilemmas, scholars such as Hughes et al. bring these dilemmas into the 21st century, assessing technology’s role in crisis response. For example, Hughes et al. have studied the effects of the internet and social media on convergence. They found that within 90 minutes of the Virginia Tech shooting in 2007, a Facebook page had been established as a means for students to notify everyone that they were safe and assist in the compilation of names of the dead and injured.<sup>115</sup> The authors also show how such online activities can lead to negative impacts, noting that this same Facebook page was co-opted by the media to contact witnesses of the shooting, which left some of the participants feeling exploited and manipulated.<sup>116</sup>

According to Fritz and Mathewson, the most significant complication that arises from the historical analysis of convergence is the failure to anticipate it and the consequences it brings.<sup>117</sup> For example, law enforcement may erect effective barriers on

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<sup>111</sup> Fritz and Mathewson, 20.

<sup>112</sup> Fritz and Mathewson, 17–20.

<sup>113</sup> Fritz and Mathewson, 22.

<sup>114</sup> Fritz and Mathewson, 63.

<sup>115</sup> Hughes et al., “‘Site-Seeing’ in Disaster,” 326.

<sup>116</sup> Hughes et al., 330.

<sup>117</sup> Fritz and Mathewson, *Convergence Behaviors in Disasters*, 61.

the border of the contiguous zone and the disaster area to prevent external convergers from entering the disaster zone, only to have hospitals “swamped” by unanticipated internal convergers moving inside the disaster zone.<sup>118</sup> A second problem identified by Fritz and Mathewson is that most policies aimed at minimizing the effects of convergence are initiated after it has begun rather than beforehand.<sup>119</sup>

What is absent from the literature on convergence is any study of the convergence of armed volunteers at a scene of a mass shooting who have the intent to stop the killing. These convergers would likely be classified as helpers by Fritz and Mathewson. Under current and proposed school programs, armed responders with varying degrees of legitimacy might converge from both internal and external locations. For instance, internal helpers might consist of sworn SROs and armed guards, or if school districts choose to arm administrators, teachers, and other support staff, these non-sworn personnel may opt to converge on an active shooter scene.

After receiving a social media notification of a school shooting, it is also conceivable that parents, concerned citizens, and others with firearms and CCW permits would form groups of external convergers. The FBI, in its September 2017 *Law Enforcement Bulletin*, explicitly describes the potential for “armed citizen responders” in rural communities.<sup>120</sup> Buerger and Buerger observe that rural residents may serve on volunteer ambulance services or fire departments and, therefore, receive advance notification of crisis events.<sup>121</sup> Additionally, rural areas are often associated with an elevated rate of firearm ownership.<sup>122</sup> Because rural areas may experience prolonged response times from law enforcement, the opportunity for an armed citizen response to

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<sup>118</sup> Fritz and Mathewson, 61.

<sup>119</sup> Fritz and Mathewson, 61.

<sup>120</sup> Michael E. Buerger and Geoffrey E. Buerger, “Those Terrible First Few Minutes: Revisiting Active-Shooter Protocols for Schools,” *FBI Law Enforcement Bulletin* 79 (September 2010): 7.

<sup>121</sup> Buerger and Buerger, 7.

<sup>122</sup> Buerger and Buerger, 7.

school incidents might increase the chances of friendly fire accidents and “collateral injuries.”<sup>123</sup>

#### **D. CONCLUSION**

The literature shows that a perfect storm is forming in mounting gun sales, increasing numbers of armed citizens, and loosening rules of engagement. When the concept of disaster convergence is factored in, this perfect storm is changing the landscape that all public safety agencies are operating within. Public safety agency leadership, community leaders, and politicians should consider new ways of engaging the public in general, and gun owners specifically, by making adjustments to their strategic, operational, and tactical plans.

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<sup>123</sup> Buerger and Buerger, 7.

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### **III. CRISIS EVENT OUTCOMES: ARMED TEACHERS, GUN CARRYING, AND DISTRUST OF THE GOVERNMENT**

One evolutionary response to recent mass shootings in schools is the arming of civilian school staff members. For members of law enforcement and emergency service organizations working in communities that encourage or allow this practice, the tactical situation during a response to school property becomes more complicated. While law enforcement officers know there is always at least one firearm present at every call—their own—the presence of additional firearms is always a concern. These matters become more complex in the setting of a school, where it may be impossible to determine who is carrying a firearm and with what legitimacy and level of training. The combination of these factors with the general chaos that typically accompanies mass casualty incidents, and the sensitive nature of schools, renders the presence of firearms in private hands a recipe for disaster.

#### **A. ARMED SCHOOL STAFF POLICIES**

According to Rostron, the *formal* practice of arming teachers dates back to at least 2007 when the Harold (Texas) Independent School District began allowing employees with CCW permits to bring guns to work.<sup>124</sup> Rostron explains that it is difficult to accurately assess the prevalence of armed school employees because, before Sandy Hook, many state laws did not address the issue or prohibit the practice, thereby allowing the practice with little scrutiny.<sup>125</sup>

Numerous authors attribute the broader spread of the idea of arming school staff to the post-Sandy Hook school shooting environment. According to Kupchik, Brent, and Mowen, the opening salvo in the battle over arming school staff may have been launched by the powerful NRA.<sup>126</sup> In a news conference held one week after the Sandy Hook shooting, Wayne LaPierre, executive vice president of the NRA, stated, “The only thing

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<sup>124</sup> Rostron, “School Shootings and the Legislative Push,” 443.

<sup>125</sup> Rostron, 443.

<sup>126</sup> Kupchik, Brent, and Mowen, “The Aftermath of Newton,” 1118.

that stops a bad guy with a gun is a good guy with a gun.”<sup>127</sup> The NRA’s good-guy-with-a-gun stance is hardly surprising given the well-documented increase in media reporting on the gun debate. According to Laschever, the number of stories on “gun violence” in the *New York Times* increased by 450 percent in the 12 months following the Sandy Hook shooting.<sup>128</sup> Laschever documents similar increases in the media’s reporting on the topics of “gun control” and “gun rights.”<sup>129</sup> Additionally, according to Laschever, funding for gun control organizations more than tripled between 2012 and 2013.<sup>130</sup> Schildkraut and Muschert’s research supports Laschever’s findings, observing that “the media have the ability to define and shape issues and events, as opposed to reflecting what is occurring in society at a particular time.”<sup>131</sup> They note that in the 30 days following the 1999 Columbine school shooting, there were approximately 170 news stories and editorials; after Sandy Hook, there were 132 similar articles.<sup>132</sup> However, according to Schildkraut and Muschert, following Sandy Hook, the articles were more constant and focused more heavily on gun control efforts and the nature of America’s gun culture than the reporting following Columbine, which centered on the victims of the school shooting.<sup>133</sup>

## 1. Debate

Before proceeding with an analysis of the ongoing debate over the arming of school employees, there is an important distinction that needs to be made regarding the language of the debate. Semantics are important, as the words that people use when participating in a debate—or any public discourse—communicate their preferences and prejudices and

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<sup>127</sup> “Remarks from the NRA Press Conference on Sandy Hook School Shooting, Delivered on Dec. 21, 2012 (Transcript),” *Washington Post*, accessed July 13, 2019, [https://www.washingtonpost.com/politics/remarks-from-the-nra-press-conference-on-sandy-hook-school-shooting-delivered-on-dec-21-2012-transcript/2012/12/21/bd1841fe-4b88-11e2-a6a6-aabac85e8036\\_story.html](https://www.washingtonpost.com/politics/remarks-from-the-nra-press-conference-on-sandy-hook-school-shooting-delivered-on-dec-21-2012-transcript/2012/12/21/bd1841fe-4b88-11e2-a6a6-aabac85e8036_story.html).

<sup>128</sup> Eulalie Laschever, “Determinants of Changes to State-Level Firearms Restrictions before and after the Sandy Hook Shooting” (paper presented at the American Sociological Association Annual Meeting, Washington State Convention Center, Seattle, WA, August 17, 2016), 2, [http://citation.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/1/1/1/9/7/p1119733\\_index.html](http://citation.allacademic.com/meta/p_mla_apa_research_citation/1/1/1/9/7/p1119733_index.html).

<sup>129</sup> Laschever, 2.

<sup>130</sup> Laschever, 2.

<sup>131</sup> Schildkraut and Muschert, “Framing of Mass Murder in Schools,” 27.

<sup>132</sup> Schildkraut and Muschert, 31.

<sup>133</sup> Schildkraut and Muschert, 31.

actively signal to different audiences. Authors such as DeMitchell, Rajan and Baras, and Rogers et al., who are critics of arming civilians inside schools, predominantly refer to challenges in arming “teachers.”<sup>134</sup> However, authors more open to such policies use phrases such as “strategic citizens,” “school employees,” and “armed educators.”<sup>135</sup> According to Jones, this language suggests that the two sides of the guns-in-schools debate promote outcomes and create arguments based on their intrinsic values and motivated reasoning.<sup>136</sup> Jones believes that the argument over armed teachers is drawn along predictable lines: a no-guns contingent and a more-guns contingent, which she refers to as “BanGuns” and “MoreGuns” strategies.<sup>137</sup> Jones further identifies a third category for arming schools, “SomeGuns,” which this thesis does not address because its philosophy of armed police officers or private security officers represents the strategy currently employed by many schools in the United States.<sup>138</sup>

The more-guns contingency, spearheaded by the NRA’s Wayne La Pierre, declared that America has an “extraordinary corps of patriotic, trained[,] qualified citizens” ready to help secure American schools.<sup>139</sup> The more-guns contingent, claims Jones, flourishes in cultures where there is support for guns on campus from parent and teacher organizations and acceptance of the risks involved by those carrying guns on school grounds.<sup>140</sup>

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<sup>134</sup> Todd A. DeMitchell, “Locked Down and Armed: Security Responses to Violence in Our Schools,” *Connecticut Public Interest Law Journal* 13, no. 2 (2014): 275–229; Sonali Rajan and Charles C. Branas, “Arming Schoolteachers: What Do We Know? Where Do We Go from Here?,” *American Journal of Public Health* 108, no. 7 (July 2018): 860–62, <https://doi.org/10.2105/AJPH.2018.304464>; and Melanie Rogers et al., “Is Arming Teachers Our Nation’s Best Response to Gun Violence? The Perspective of Public Health Students,” *American Journal of Public Health* 108, no. 7 (July 2018): 862–63, <https://doi.org/10.2105/AJPH.2018.304477>.

<sup>135</sup> Shawn F. Peppers, “The Strategic Citizen: A Physical Security Model for Strategic Critical Infrastructure Protection (CIP),” *Journal of Physical Security* 4, no. 1 (2010): 10–21; Winston, “Equipping Teachers with Firearms”; and Catherine Wilson Jones, “Armed to Learn: Aiming at California K-12 School Gun Policy” (master’s thesis, Naval Postgraduate School, 2016), <https://calhoun.nps.edu/handle/10945/48538>.

<sup>136</sup> Jones, “Armed to Learn,” 26.

<sup>137</sup> Jones, xvi.

<sup>138</sup> Jones, xvii. For Jones, the SomeGuns category involves the arming of professional security guards or having sworn police officers inside schools. These agents would have training consistent with peace officers’ standards and training or meet other established training policy requirements.

<sup>139</sup> Rostron, “School Shootings and the Legislative Push,” 442.

<sup>140</sup> Jones, “Armed to Learn,” xvi.

Moreover, the laws must be permissive of armed school staff, and the school district must be willing to accept the risk.<sup>141</sup> Finally, a robust training program for armed school staff must be in place.<sup>142</sup> Arguments supporting a more-guns philosophy center on the ideas that armed school staff members may serve as a deterrent to an active shooter, can respond more quickly than law enforcement, and may be the only financially viable option for many school districts.<sup>143</sup>

Meanwhile, Ken Trump with National School Safety and Security Services summarizes the view of opponents of arming school staff. According to Trump, ““The vast majority of teachers want to be armed with textbooks and computers . . . not guns.””<sup>144</sup> Jones views this no-guns ideology as being dominant in communities that are unwilling to incur any liability or accept the risk of arming school staff, cultures that do not support firearms in schools, and districts that cannot secure insurance or administer an efficient armed-employee program.<sup>145</sup> Critics of armed school staff policies point toward myriad problems with such proposals. In addition to the expense associated with equipping and properly training teachers to carry firearms, Rajan and Branas question the feasibility of combining the responsibilities of diverse professions such as educator and law enforcement officer.<sup>146</sup> They also question the psychological effects on student learning and the school environment.<sup>147</sup> Finally, concerns over negligent discharges of educators’ weapons, accidental student injury, and the potential for irrational or impulsive misuse of a firearm by a school staff member round out the arguments against arming teachers.<sup>148</sup>

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<sup>141</sup> Jones, xvi.

<sup>142</sup> Jones, xvi.

<sup>143</sup> DeMitchell, “Locked Down and Armed,” 286–90; and Danielle Weatherby, “Opening the ‘Snake Pit’: Arming Teachers in the War against School Violence and the Government-Created Risk Doctrine,” *Connecticut Law Review* 48, no. 1 (November 2015): 119.

<sup>144</sup> Jones, “Armed to Learn,” 30.

<sup>145</sup> Jones, xvi.

<sup>146</sup> Rajan and Branas, “Arming Schoolteachers,” 861.

<sup>147</sup> Rajan and Branas, 861.

<sup>148</sup> Weatherby, “Opening the ‘Snake Pit,’” 140–41.

Despite these two well-entrenched camps, Winston claims there is no consensus on whether arming teachers is a sound policy.<sup>149</sup> One major obstacle to good policy decision making is the lack of sound research on the issue. Critics of arming educators, such as Rogers et al., contend that the Dickey Amendment—a provision in federal spending bills that prohibits the use of tax dollars by the Centers for Disease Control and Prevention to study gun violence—is one of the major roadblocks to obtaining data on the issue of arming school staff.<sup>150</sup> Other factors preventing good research on the issue of guns in schools include the patchwork of state laws about arming school staff, the few school districts that have implemented armed-staff policies, and the general safety of America’s public schools.<sup>151</sup>

The pro-armed staff position argues that schools have a duty and responsibility to protect students while they are on school grounds. Authors Jones and DeMitchell seem to believe that the *in loco parentis* (in place of the parent) role of schools establishes a duty on the part of the school district to protect children from predictable dangers.<sup>152</sup> However, Weatherby hotly contests the notion that arming school staff is the proper outcome of this philosophy. She argues that with few exceptions, there is no legal obligation on the part of a school district to protect students from active shooters or other types of violence.<sup>153</sup> Weatherby goes on to cite two exceptions to this immunity: first, in cases where injuries are sustained as a result of “government-created danger” and, second, when a municipality forfeits its immunity by failing to properly train its employees after implementing a policy that results in a government-created danger.<sup>154</sup>

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<sup>149</sup> Winston, “Equipping Teachers with Firearms,” 5.

<sup>150</sup> Rogers et al., “Is Arming Teachers Our Nation’s Best Response?,” 863.

<sup>151</sup> Rostron, “School Shootings and the Legislative Push,” 443–54; and DeMitchell, “Locked Down and Armed,” 287–88, 278, 293.

<sup>152</sup> Jones, “Armed to Learn,” 19; and DeMitchell, “Locked Down and Armed,” 280.

<sup>153</sup> Weatherby, “Opening the ‘Snake Pit,’” 124.

<sup>154</sup> Weatherby, 125.

Weatherby convincingly argues that arming school staff members might result in a government-created danger. For example, she notes that despite regular training, law enforcement officers miss their targets between 52 and 82 percent of the time.<sup>155</sup> Weatherby contends that even the use of law enforcement statistics as a surrogate for teacher's shooting scores would likely invoke the policy of government-created danger in the event of a firearm-related negligent discharge or injured student during a potential gun battle.<sup>156</sup> Weatherby goes on to question how school districts could ensure the proper levels of training for armed school staff, especially given the inconsistent requirements under different states' laws.<sup>157</sup>

## **2. Adoption**

Jones says that since 2007, more than 20 states have seen legislation introduced that permits school employees to carry firearms.<sup>158</sup> The Giffords Law Center to Prevent Gun Violence observes that there are currently eight states that allow citizens possessing CCW permits to carry guns on K-12 school grounds.<sup>159</sup> Giffords Law Center further notes that 12 states cannot prohibit the concealed carry of firearms on college campuses.<sup>160</sup> Because individual states regulate how teachers may carry guns on school grounds, there is no consistency in the enactment of armed school staff policies.

For example, the states of Utah and Kansas require armed school staff to possess a state-issued CCW permit.<sup>161</sup> In Utah, school staff are not required to notify the school administration if they are carrying firearms.<sup>162</sup> In contrast, states such as South Dakota and Texas have well-defined programs that dictate a minimum of 80 hours of firearm training,

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<sup>155</sup> Weatherby, 142.

<sup>156</sup> Weatherby, 142–43, 153.

<sup>157</sup> Weatherby, 161–64.

<sup>158</sup> Jones, “Armed to Learn,” 2.

<sup>159</sup> “Guns in Schools,” Giffords Law Center to Prevent Gun Violence, accessed July 27, 2019, <https://lawcenter.giffords.org/gun-laws/policy-areas/guns-in-public/guns-in-schools/>.

<sup>160</sup> Giffords Law Center to Prevent Gun Violence.

<sup>161</sup> Winston, “Equipping Teachers with Firearms,” 172, 175.

<sup>162</sup> Weatherby, “Opening the ‘Snake Pit,’” 175.

renewal periods, background checks, and psychological examinations.<sup>163</sup> Regardless, in each of these states, the decision about whether to arm school staff is left primarily to individual school districts, which further complicates the research of the armed-teacher paradigm. In other words, even in states with permissive regulations, there is no mandate to arm school staff but merely the ability to choose to do so.

As Rostron discusses, the legal ability to arm school staff and the decision of individual districts to do so are only two of the complications in actually implementing armed school staff. The third challenge for implementing armed school staff is related to Weatherby's observations on the nature of risk and liability, as previously described. In Kansas, a state with one of the laxest regulations governing armed school staff, school districts wishing to implement armed teachers have been challenged by their insurance carriers.<sup>164</sup> Three Kansas insurance companies, including the state's largest insurer of public schools, have refused to indemnify districts that implement armed school staff, citing unacceptable shifts of risk.<sup>165</sup> Jones notes the irony of the armed-teacher paradigm, stating that despite the "abundance of gun legislation proposing to lessen gun restrictions . . . the recipients of the legislation are overwhelming[ly] opposed to adding more guns."<sup>166</sup>

Although the NoGuns and the Some/MoreGuns contingents disagree on many things, one area of agreement, albeit from different perspectives, is the need (or difficulty) in obtaining proper training for armed school staff members. Weatherby argues that even highly trained police officers may experience a shooting error 52–82 percent of the time. Meanwhile, Jones lists training requirements as one of the most critical factors for a school district to address when considering an armed teacher program while noting that even in California, an unpaid school reserve officer needs as little as 40 hours of training.<sup>167</sup>

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<sup>163</sup> Weatherby, 173–74.

<sup>164</sup> Rostron, "School Shootings and the Legislative Push," 452.

<sup>165</sup> Rostron, 452.

<sup>166</sup> Jones, "Armed to Learn," 5.

<sup>167</sup> Jones, 47–48.

Unfortunately, the state-by-state nature of the armed school staff paradigm prevents even a consensus on what the proper amount of training is, what this training should consist of, and who should perform the training of armed school staff members. Rostron’s state-by-state study documents many of these differences.<sup>168</sup> On the high side, South Dakota requires 80 hours of training for its “school sentinels” to be overseen by the state’s commission on peace officer standards and training.<sup>169</sup> Meanwhile, Tennessee’s legislators enacted legislation allowing only current and former law enforcement officers to carry guns on school property and only after completing another 40 hours of training.<sup>170</sup>

On the other end of the spectrum, Kansas state law allows school staff members in possession of a valid Kansas CCW permit to carry guns on school grounds.<sup>171</sup> This permit may be obtained by any Kansas citizen legally allowed to have a firearm, who has completed an eight-hour handgun safety and training class conducted by a private organization such as the NRA.<sup>172</sup> Weatherby singles out the state of Utah as one of the only places where anyone with a CCW permit may carry weapons on public school grounds.<sup>173</sup> None of the states in Rostron’s survey mandate the simulated live-fire training that Weatherby identifies as being a critical component of preparing armed school staff members to respond to an active shooter.<sup>174</sup> The lack of such in-depth training, claims Weatherby, may open school districts to liability in the event their negligence leads to the injury or death of a student.<sup>175</sup>

Ironically, both the NoGuns and the Some/MoreGuns contingent agree on one thing; there is not enough research on the subject of guns to make educated assessments of what “right and wrong” in this arena look like. Members of the NoGun contingent, such as

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<sup>168</sup> Rostron, “School Shootings and the Legislative Push,” 444–52.

<sup>169</sup> Rostron, 444.

<sup>170</sup> Rostron, 446.

<sup>171</sup> Rostron, 451.

<sup>172</sup> Rostron, 451.

<sup>173</sup> Weatherby, “Opening the ‘Snake Pit,’” 128.

<sup>174</sup> Weatherby, 141.

<sup>175</sup> Weatherby, 125, 161.

Rodgers et al., blame the Dickey Amendment and its ban on the CDC’s use of federal injury prevention and control funds for the current lack of evidence-based research on effective measures against gun violence prevention.<sup>176</sup> Conversely, Rostron notes, “If a few states really put guns in all or most classrooms, this country would at least get an opportunity to see what effects it would have.”<sup>177</sup> What seems clear at this point is that in the absence of hard data, those on either side of the debate will continue to politicize the effects of arming school staff members by envisioning worst-case scenarios involving what DeMitchell characterizes as the “safest place in [many students’] lives.”<sup>178</sup>

In summary, the debate over arming teachers is likely to continue. For law enforcement and emergency services personnel who work in areas where schools permit armed educators to carry firearms, an added level of social and political complexity will be present. It is crucial for law enforcement and emergency service agencies to keep sight of public and private school policies on armed-teachers in advance of an incident at a school in their jurisdiction. Furthermore, law enforcement agencies are likely already in possession of the necessary equipment, facilities, and trained instructors to assist school districts wishing to pursue an armed staff member program. It is equally important that law enforcement and emergency services participate in ongoing discussions with parents and school district officials on this subject.

## **B. DISASTER CONVERGENCE DURING ACTIVE SHOOTER SCENARIOS**

The convergence phenomenon, as described by Fritz and Mathewson, may further complicate an efficient response to an active shooter incident. Entities preplanning a response to a violent incident must account for this principle. Convergents in this type of setting may come from either internal or external locations. In a school shooting, internal convergers, or those moving toward specific points from within the disaster area’s boundary, will likely consist of sworn SROs, teachers, or administrators.<sup>179</sup> However,

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<sup>176</sup> Rogers et al., “Is Arming Teachers Our Nation’s Best Response?,” 863.

<sup>177</sup> Rostron, “School Shootings and the Legislative Push,” 453.

<sup>178</sup> DeMitchell, “Locked Down and Armed,” 293.

<sup>179</sup> Fritz and Mathewson, *Convergence Behaviors in Disasters*, 3.

depending on the nature and location of the event, it is reasonable to anticipate the presence of student convergers as well. In a school with armed staff present, policies may dictate whether armed staff move toward the sound of gunfire, as law enforcement is expected to do, or assume a defensive position from where they can protect the student body.

External convergers or those moving into the disaster site from outside areas may come from the different zones identified by Fritz and Mathewson.<sup>180</sup> SROs patrolling outside the building when shooting commences would likely represent the closest assistance from the immediate area, or the contiguous zone, although armed school staff may move in from the contiguous zone either by policy or out of moral obligation. Law enforcement resources may, depending on their location, begin arriving from either proximate or remote zones.<sup>181</sup> The fire department and EMS assets will likely stage a safe distance away from the disaster, possibly on the border between the contiguous and proximate zones.<sup>182</sup>

If these circumstances are examined entirely, the possibility of armed citizen convergers must also be considered, even in suburban settings. While the number of households with guns in them is in decline, guns sales and the number of CCW permits have grown dramatically since Sandy Hook, suggesting that more people are carrying more guns than ever before.<sup>183</sup> Burbic and Melzer have identified the American gun-owner's characteristics of frontier masculinity and bias for action.<sup>184</sup> Deputy Scot Peterson's failure to enter Marjory Stoneman High School and engage Nicholas Cruz was broadly documented and widely criticized as a failure of law enforcement to protect school children.<sup>185</sup> Whether fueled by specific instances of governmental failure or by Stroebe, Leander, and Kruglanski's "belief in a dangerous world," the combination of these factors

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<sup>180</sup> Fritz and Mathewson, 3–6. Using their spatial model of convergence, Fritz and Mathewson identify three different zones from which external convergers may originate.

<sup>181</sup> Fritz and Mathewson, 6–7.

<sup>182</sup> Fritz and Mathewson, 6–7.

<sup>183</sup> Lott, *Concealed Carry Permit Holders*, 24–25.

<sup>184</sup> Burbick, *Gun Show Nation*, 13; and Melzer, *Gun Crusaders*, 25.

<sup>185</sup> Held, "Ex-Deputy Who Stayed Outside."

may provide the means, motive, and opportunity for citizen gun owners to take matters into their own hands. Distrust or suspicion of the government, founded or not, may fuel the citizens' belief in a dangerous world.

### **C. HURRICANE KATRINA: BACKGROUND AND OUTCOMES**

One of the lessons learned from Hurricane Katrina is that politicians, emergency managers, and emergency responders must consider the presence of firearms and an armed citizenry in their disaster response preplanning and operations. During the response to Hurricane Katrina, reports of rampant looting and violence caused officials to deviate from their stated mission of saving lives, instead focusing their efforts and resources on arresting looters.<sup>186</sup> While many of these stories were ultimately proven to be “little more than figments of frightened imaginations” at the time, they were taken seriously enough to allegedly lead New Orleans Police Department (NOPD) officials to order officers to shoot looters on sight.<sup>187</sup> Moreover, the government's suspension of rescue efforts combined with orders to shoot citizens undoubtedly left many agreeing with firearm trainer John Farnum's sentiments: “The promise that government, at any level, will provide people with meaningful protection is now seen as a hollow myth.”<sup>188</sup>

#### **1. Distrust and Suspicion of the Government**

Distrust in the government and suspicion of law enforcement is hardly something new. However, man-made and natural disasters can bring the issues associated with such distrust to the forefront of public officials' problems at the worst possible time. Crisis events will likely tax emergency response agencies beyond their capabilities and hamper their ability to respond efficiently. Hurricane Katrina provides a strong case in point. According to Cordasco et al., the distrust of authorities among residents of New Orleans was one of the factors that caused 100,000 residents to ignore clear instructions from the

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<sup>186</sup> Michael Cook, “Get Out Now or Risk Being Taken Out by Force: Judicial Review of State Government Emergency Power following a Natural Disaster,” *Case Western Reserve Law Review* 57, no. 1 (2006): 266; and Crusto, “State of Emergency,” 486–87.

<sup>187</sup> Crusto, “State of Emergency,” 487.

<sup>188</sup> Ayoob, “Lethal Force, Katrina's Lessons,” 16.

government to evacuate before the arrival of Hurricane Katrina.<sup>189</sup> By failing to follow these instructions, those remaining in and around New Orleans “put their own lives and the lives of first responders in danger.”<sup>190</sup>

Both Miller and Rivera and Cordasco et al. identify the people’s trust in government (or lack thereof) as a major determinant in the success of disaster operations.<sup>191</sup> Cordasco et al. state that *competency* was the most frequently cited area of distrust in the government by the victims of Katrina that they interviewed.<sup>192</sup> Miller and Rivera add the lack of equality, the absence of transparency, and the failure of inclusivity as further causes of distrust in government.<sup>193</sup> Furthermore, they say, “The lack of coordination and federal bureaucracy served to decrease civic trust in local, state, and federal government” during the response to Hurricane Katrina.<sup>194</sup> These cautionary tales from Katrina provide current public officials and public safety agencies a roadmap for creating a sense of trust with the people they serve.

It remains undeniable that a week after the levees failed in New Orleans, NOPD police superintendent Eddie Compass declared, “Guns will be taken. Only law enforcement are allowed to have weapons.”<sup>195</sup> The results of his comments and policy of gun confiscation have fueled a great and lasting debate. According to the NRA, citizens used firearms extensively to defend their property from roving marauders at a time when hundreds of NOPD officers deserted their jobs.<sup>196</sup> Evidence suggests that not only did these

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<sup>189</sup> Katrina M. Cordasco et al., “‘They Blew the Levee’: Distrust of Authorities among Hurricane Katrina Evacuees,” *Journal of Health Care for the Poor and Underserved* 18, no. 2 (May 2007): 277, <https://doi.org/10.1353/hpu.2007.0028>.

<sup>190</sup> Crusto, “State of Emergency,” 484.

<sup>191</sup> DeMond Shondell Miller and Jason David Rivera, “Guiding Principles: Rebuilding Trust in Government and Public Policy in the Aftermath of Hurricane Katrina,” *Journal of Critical Incident Analysis* 2, no. 1 (Fall 2011): 22–32; and Cordasco et al., “‘They Blew the Levee.’”

<sup>192</sup> Cordasco et al., “‘They Blew the Levee,’” 278.

<sup>193</sup> Miller and Rivera, “Guiding Principles,” 23–28.

<sup>194</sup> Miller and Rivera, “Guiding Principles.”

<sup>195</sup> Marshall Lewin, “Turning Tragedy into Travesty,” National Rifle Association’s Institute for Legislative Action, September 20, 2005, <https://www.nraila.org/articles/20050920/turning-tragedy-into-travesty>.

<sup>196</sup> Lewin.

NOPD officers abandon their jobs just when they were most needed, but at least some of them began engaging in criminal activity themselves.<sup>197</sup> The NRA then claimed that as the waters began to recede, subject to the orders of Mayor Nagin and NOPD Superintendent Compass, law enforcement began going door-to-door confiscating firearms from civilians, assaulting them, and imprisoning them for doing nothing more than defending their property.<sup>198</sup> Finally, the NRA and other pro-gun organizations filed suit against the city of New Orleans, initiating a years-long process to compel the city to return over 500 confiscated firearms.<sup>199</sup>

Others who have traced the story of the weapons confiscation believe that the NRA and other pro-gun groups are distorting the facts of the case. One reserve police officer who was present during the disaster response in New Orleans claims there were no widespread confiscation efforts by police.<sup>200</sup> Instead, observes Rostron, many of the firearms obtained by the NOPD were collected from those trying to evacuate on public transit or staying in government-provided housing or from properties abandoned by their owners as they fled the hurricane.<sup>201</sup> Both Rostron and Weinstein heavily criticize the NRA for using the story of gun confiscation during Katrina to direct attention away from the real victims of the disaster—the residents of New Orleans—and toward what Weinstein calls a “terrible one-off, a cautionary tale that led to reforms on every level.”<sup>202</sup>

Unfortunately, it appears that officials have not learned their lesson about poor community messaging on firearms and disaster response. The following year, New Orleans’ new superintendent of police, Warren Riley, declared during a radio interview that he would again order his officers to confiscate guns during a future disaster or crisis

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<sup>197</sup> Giannell, “Through the Eyes of the Impoverished,” 73.

<sup>198</sup> Lewin, “Turning Tragedy into Travesty.”

<sup>199</sup> Adam Weinstein, “The NRA Twisted a Tiny Part of the Katrina Disaster to Fit Its Bigger Agenda,” *The Trace*, August 31, 2015, <https://www.thetrace.org/2015/08/nra-hurricane-katrina-gun-confiscation/>.

<sup>200</sup> Weinstein.

<sup>201</sup> Rostron, “Incrementalism, Comprehensive Rationality,” 528–29.

<sup>202</sup> Weinstein, “The NRA Twisted a Tiny Part of the Katrina Disaster.”

event.<sup>203</sup> This statement further fueled gun-rights activists' claims that the government would take away not only citizens' guns but their rights as well.<sup>204</sup> While Riley later retracted his statement, it would be repeated years later by another government official faced with an imminent natural disaster.<sup>205</sup>

In September 2017, with Hurricane Irma and Marie bearing down on the Caribbean, Kenneth Mapp, the governor of the U.S. Virgin Islands (USVI), issued an order authorizing the adjutant general of the USVI National Guard to “seize arms, ammunition, explosives, and incendiary material and other property required.”<sup>206</sup> While Governor Mapp has repeatedly stated this order did not empower the National Guard to seize civilian-owned firearms, the fact-checking website Snopes concluded that the language of the order indicates “it can reasonably be assumed that such confiscation would extend to the property of civilians, especially since there is nothing in the order to contradict this natural assumption, or to stipulate that only property owned by incorporated entities or trusts may be seized.”<sup>207</sup> At this time, there is no indication that any firearms were confiscated from civilians during these events.<sup>208</sup> However, Governor Mapp has continued to renew this executive order, even in the absence of an imminent natural disaster; moreover, he has never changed the language of the order despite being questioned on its intent by members of the U.S. House of Representatives.<sup>209</sup>

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<sup>203</sup> Rostron, “Incrementalism, Comprehensive Rationality,” 531.

<sup>204</sup> “Riley Backs Down on New Orleans Gun Grab after SAF Calls for Investigation,” Second Amendment Foundation, accessed March 21, 2019, <https://www.saf.org/riley-backs-down-on-new-orleans-gun-grab-after-saf-calls-for-investigation/>.

<sup>205</sup> Crusto, “State of Emergency,” 532.

<sup>206</sup> Kenneth E. Mapp, “Order the Virgin Islands National Guard into Territorial Active Military Service” (Charlotte Amalie, U.S. Virgin Islands: Office of the Governor, September 4, 2017), <https://dailycaller.com/wp-content/uploads/2017/09/NATL-GUARD.pdf>.

<sup>207</sup> Kaitlyn Schallhorn, “Virgin Islands Governor’s Gun-Confiscation Plan Probed by Republicans,” Fox News, July 19, 2019, <https://www.foxnews.com/politics/virgin-islands-governors-gun-confiscation-plan-probed-by-republicans>; and Dan MacGuill, “Fact Check: Did the Governor of the U.S. Virgin Islands Sign an Order Allowing the Seizure of Weapons During Hurricane Irma?,” Snopes, September 7, 2017, <https://www.snopes.com/fact-check/virgin-islands-order-seizure-weapons-irma/>.

<sup>208</sup> Schallhorn, “Gun-Confiscation Plan Probed by Republicans.”

<sup>209</sup> Schallhorn.

The real intent of Governor Mapp, NOPD Superintendent Riley, NOPD Superintendent Compass, and New Orleans Mayor Ray Nagin regarding the confiscation of civilian-owned firearms in the face of natural disasters may never be known. What is known is that these comments have given gun-rights organizations, such as the NRA and the Second Amendment Foundation, pulpits from which to spread distrust over the government's willingness to confiscate civilian-owned weapons in times of emergency. These public-messaging examples by officials facing natural disasters show how well-intentioned policies backfire and create increased public distrust at the most inopportune times. Nagin, Compass, and Riley are long gone from their positions, but NRA Vice President Wayne LaPierre's cry, "Remember New Orleans," lives on.<sup>210</sup> In this case, the perception remains stronger than reality. It would do other politicians and emergency managers well to remember this point.

## **2. Impact of an Armed Citizenry: The Right to Carry**

The impacts of the failures during the response to Hurricane Katrina did not end with the NRA's successful lawsuit to have confiscated firearms returned to their owners.<sup>211</sup> Nor did it end with the enactment of federal legislation that prohibited the seizing of citizens' firearms during disaster relief operations.<sup>212</sup> Instead, pro-gun organizations used (and continue to use) these failures, and the distrust that they embody, to advocate for the strengthening of citizens' gun rights.<sup>213</sup> Two pro-gun initiatives spurred on by the failures of Hurricane Katrina include right-to-carry legislation and stand-your-ground laws. The promulgation of these laws across more and more states will likely have a lasting impact on how law enforcement and emergency services personnel do their jobs.

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<sup>210</sup> Weinstein, "The NRA Twisted a Tiny Part of the Katrina Disaster."

<sup>211</sup> Weinstein.

<sup>212</sup> Rostron, "Incrementalism, Comprehensive Rationality," 526.

<sup>213</sup> Lewin, "Turning Tragedy into Travesty."

**a. Legislation**

So-called “right-to-carry” or “shall-issue” concealed-carry laws dictate that a state or county must issue a firearm CCW license to anyone who applies that is legally eligible to receive one.<sup>214</sup> Shall-issue states are in sharp contrast to “may-issue” states, which reserve the right to determine who may obtain a CCW permit.<sup>215</sup> The number of CCW permit holders nationwide has continued to climb in recent years, skyrocketing to over 17.25 million in the wake of crisis events and the passage of less restrictive gun control measures such as right-to-carry laws.<sup>216</sup>

Following Hurricane Katrina, the residents of New Orleans maintained a healthy distrust of the government’s ability to protect them, believing that “the only real security in New Orleans [was] private, not public.”<sup>217</sup> In the year following Hurricane Katrina, the number of CCW permits in New Orleans doubled, and gun sales increased dramatically.<sup>218</sup> However, according to Rostron, in the first quarter of 2007, murders had also increased by 182 percent and armed robberies by 135 percent.<sup>219</sup>

**b. Debate**

The debate over right-to-carry laws remains contentious on both sides. Some authors believe that lax concealed-carry laws would lead to an epidemic of violence and a return to the “wild west.”<sup>220</sup> Meanwhile, other authors contend that “armed citizens and police officers are natural allies and teammates in the fight against crime.”<sup>221</sup>

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<sup>214</sup> Spitzer, *The Politics of Gun Control*, 70.

<sup>215</sup> Spitzer, 197.

<sup>216</sup> Lott, *Concealed Carry Permit Holders*, 3. Lott claims there has been a 273 percent increase in the number of concealed carry licenses issued to Americans since 2007, resulting in over 7 percent of U.S. citizens possessing such a license. This increase coincides with the timeframe of the expansion of right-to-carry and stand-your-ground legislation.

<sup>217</sup> Rostron, “Incrementalism, Comprehensive Rationality,” 532.

<sup>218</sup> Rostron, 532.

<sup>219</sup> Rostron, 533.

<sup>220</sup> La Valle, “Rebuilding at Gunpoint,” 455.

<sup>221</sup> Mike Wood, “What Cops Need to Consider about Armed Citizens,” *Police One*, November 30, 2018, <https://www.policeone.com/concealed-carry/articles/482233006-What-cops-need-to-consider-about-armed-citizens/>.

There is widespread disagreement over the long-term results of expanded concealed-carry laws as well. According to Spitzer, research conducted by John Lott concludes that “a 1% increase in gun ownership causes a 3% decrease in murder as well as declines in rapes, robberies and aggravated assaults.”<sup>222</sup> However, Spitzer notes that there is significant dissent over Lott’s methodology and questions about his ethics.<sup>223</sup> A 2007 study by LaValle claims that right-to-carry legislation has no observable effect on either homicide or gun homicide statistics.<sup>224</sup> From this perspective, right-to-carry laws do not make communities safer, but they have not led to the wild-west shootouts predicted by critics. Spitzer concludes that these mixed results “emphasize the considerable difficulty in isolating the effect of a single law among states [that are] very different from each other.”<sup>225</sup>

**c. Adoption**

The most apparent impact of right-to-carry legislation for law enforcement and emergency service personnel is increased encounters with armed citizens. Right-to-carry laws have been enacted in over 40 states.<sup>226</sup> One predictable but unfortunate effect of the growth in the number of CCW licensees is the challenge faced by law enforcement in distinguishing the good guy with a gun from the bad guy with a gun. Law enforcement writer Mike Wood emphasizes the need for law enforcement officers to slow down their decision making on “man with a gun” calls in response to several high-profile media stories about law enforcement killing or injuring armed citizens with guns.<sup>227</sup> While Wood states that “the presence of a gun does not always indicate a threat,” it certainly complicates the ability of law enforcement and emergency services personnel to make safe split-second decisions.<sup>228</sup>

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<sup>222</sup> Spitzer, *The Politics of Gun Control*, 70.

<sup>223</sup> Spitzer, 71–74.

<sup>224</sup> La Valle, “Rebuilding at Gunpoint,” 463.

<sup>225</sup> Spitzer, *The Politics of Gun Control*, 73.

<sup>226</sup> Spitzer, 197.

<sup>227</sup> Wood, “What Cops Need to Consider about Armed Citizens.”

<sup>228</sup> Wood.

Furthermore, the relaxation of concealed-carry laws has led to the enactment of even more permissive laws that will likely have unintended consequences for citizens and emergency service workers. In 2013, the state of Louisiana passed a first-of-its-kind statewide amendment further strengthening individuals' gun rights, and further limiting the state's ability to regulate firearm possession.<sup>229</sup> This amendment not only enshrines individual gun ownership as a "fundamental right" but also requires the courts to use "strict scrutiny," the highest level of judicial scrutiny, on any new gun laws.<sup>230</sup> The unintended consequences of this amendment were immediately realized in the courts when convicted felons began challenging prohibitions on their possession of firearms or limitations on their carrying of firearms as infringements of their constitutional rights.<sup>231</sup>

Additionally, this amendment placed restrictions on the legislature regarding laws that would limit where CCW holders could legally carry firearms.<sup>232</sup> According to *USA Today*, at least seven other states have introduced such legislation.<sup>233</sup> Laws such as this, while well-intentioned, make it harder to keep guns out of the hands of criminals and only in the hands of those legally entitled to possess them.

### **3. Impact of an Armed Citizenry: Stand-Your-Ground Laws and the Castle Doctrine**

Other gun-related policies that have evolved from natural disasters such as Hurricane Katrina are the so-called castle doctrine and stand-your-ground laws.<sup>234</sup> The castle doctrine stems from English common law, which extended the privilege of the use of deadly force to an individual protecting oneself from a potentially deadly threat.<sup>235</sup>

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<sup>229</sup> "Louisiana Law Floods Courts with Pro-Gun Cases," *USA Today*, March 30, 2013, <https://www.usatoday.com/story/news/nation/2013/03/30/louisiana-amendment-gun-rights/2035561/>.

<sup>230</sup> "Louisiana Law Floods Courts with Pro-Gun Cases."

<sup>231</sup> Sadow, "Legislative Regular Session."

<sup>232</sup> "Louisiana Law Floods Courts with Pro-Gun Cases."

<sup>233</sup> "Louisiana Law Floods Courts with Pro-Gun Cases."

<sup>234</sup> John Nichols, "How ALEC Took Florida's 'License to Kill' Law National," *The Nation*, March 22, 2012, <https://www.thenation.com/article/how-alec-took-floridas-license-kill-law-national/>; and La Valle, "Rebuilding at Gunpoint," 451.

<sup>235</sup> Christine Catalfamo, "Stand Your Ground: Florida's Castle Doctrine for the Twenty-First Century: Student Note," *Rutgers Journal of Law and Public Policy* 4, no. 3 (Fall 2007): 505.

However, enshrined in this privilege is the “duty to retreat,” meaning that before the use of deadly force becomes justifiable, the defendant must make every attempt to escape an aggressor.<sup>236</sup> The sole exception in English common law to the duty to retreat is an attack inside one’s home or “castle.”<sup>237</sup> This “defense of habitation” gave rise to the castle doctrine in the United States, where as early as 1895, the U.S. Supreme Court recognized that “a man attacked in his own home had no duty to retreat before using deadly force, so long as he reasonably believed it necessary to save his own life.”<sup>238</sup>

**a. Legislation**

In the aftermath of Hurricane Ivan in 2004, Florida lawmakers expanded their castle doctrine laws to include the *right* to use deadly force—without a duty to retreat—to areas outside a person’s home including one’s vehicles or any other place an individual has a right to be.<sup>239</sup> Furthermore, Catalfamo explains that Florida’s new law includes a presumption of innocence as well as immunity from criminal or civil prosecution for an individual using lethal force as permitted.<sup>240</sup> She further argues that these expanded rights are a significant deviation from English common law practices and the original castle doctrine.<sup>241</sup>

**b. Debate**

Proponents of stand-your-ground laws, such as the NRA’s Marion Hammer, state that “nobody has the right to decide what’s in your mind and heart when you’re under attack. So the important thing is to make it more dangerous for the attacker than for the victim.”<sup>242</sup> This argument reinforces the split-second nature of decisions for victims when

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<sup>236</sup> Denise M. Drake, “The Castle Doctrine: An Expanding Right to Stand Your Ground Comment,” *St. Mary’s Law Journal* 39 (2008): 581–82.

<sup>237</sup> Catalfamo, “Stand Your Ground,” 505–6.

<sup>238</sup> Catalfamo, 506, 509–10.

<sup>239</sup> Catalfamo, 524.

<sup>240</sup> Catalfamo, 525.

<sup>241</sup> Catalfamo, 525.

<sup>242</sup> Catalfamo, 545.

confronted with a crime that would have reasonably caused them death or serious bodily injury had they not defended themselves. The same argument holds that the court should not prosecute defendants for acting reasonably and prudently, nor should a person have to retreat from a threat before defending oneself.

Opponents of stand-your-ground laws argue that such laws may lead to vigilantism, diminished reliance on legitimate law enforcement, and a decrease in the proportionality of actions of those seeking to defend themselves.<sup>243</sup> An even more sinister consideration would come from those looking to commit a “justifiable murder” using existing stand-your-ground laws to legitimize their actions. Of Hammer’s comment on “split-second decisions” and the presumption of innocence that accompanies stand-your-ground laws, Drake comments that “perhaps more emphasis should be placed on the facts in every circumstance to determine whether or not there was an imminent attack.”<sup>244</sup>

Both the pro-gun and pro-gun control sides of the argument provide numerous cases to either prove or disprove the positive impact that stand-your-ground laws have had.<sup>245</sup> The case that tragically brought the negative aspects of stand-your-ground laws to the forefront of public attention was the death of unarmed Trayvon Martin at the hands of George Zimmerman, a self-declared neighborhood watchman.<sup>246</sup> Following a confrontation between the two, an altercation broke out, resulting in Zimmerman allegedly “fear[ing] for his life” and shooting Martin with his legally possessed, concealed handgun.<sup>247</sup> According to Spitzer, Zimmerman’s lawyer did not explicitly invoke Florida’s stand-your-ground law in his defense.<sup>248</sup> Instead, this law appears to have operated in the background of the case. For example, after the shooting of Martin, Zimmerman was not

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<sup>243</sup> Drake, “The Castle Doctrine,” 596, 600, 606.

<sup>244</sup> Drake, 600.

<sup>245</sup> Catalfamo, “Stand Your Ground,” 543–45; and Drake, “The Castle Doctrine,” 598–612.

<sup>246</sup> Nichols, “Florida’s ‘License to Kill’ Law.”

<sup>247</sup> Spitzer, *The Politics of Gun Control*, 85–87.

<sup>248</sup> Spitzer, 85.

arrested, and according to Spitzer, the preliminary investigation was not particularly thorough.<sup>249</sup>

*c. Adoption*

After the successful enactment of Florida’s stand-your-ground laws in 2005, the NRA and the American Legal Exchange Council (ALEC), another conservative legal organization, began working earnestly to promote similar legislation in other states.<sup>250</sup> As of 2012, 16 states had enacted similar laws using the language from Florida’s legislation, and over 30 states have some form of castle doctrine laws.<sup>251</sup> While ALEC stopped promoting its model stand-your-ground legislation in 2012 following backlash from the killing of Trayvon Martin, according to the Giffords Law Center, the NRA continues to advocate the adoption of such rules.<sup>252</sup>

**D. CONCLUSION**

As shall-issue/right-to-carry and stand-your-ground initiatives continue to gain popularity, law enforcement and emergency responders must adapt to the likelihood of increased interactions with armed individuals. These individuals likely believe not only that they are exercising their legal rights to have a concealed firearm but also that the use of deadly force is both justifiable and legal under a wide variety of conditions. These individuals may be further emboldened by the enumeration of these rights to be less cooperative with law enforcement and emergency service personnel because of the perception that their rights are being infringed upon. This condition may exist in stark contrast with the culture of law enforcement, fire department, and emergency service workers who are taught from day one to ensure that “the scene is safe” before

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<sup>249</sup> Spitzer, 85.

<sup>250</sup> Catalfamo, “Stand Your Ground,” 545; and Nichols, “Florida’s ‘License to Kill’ Law.”

<sup>251</sup> Nichols, “Florida’s ‘License to Kill’ Law”; and “‘Stand Your Ground’ Laws,” Giffords Law Center to Prevent Gun Violence, accessed March 25, 2019, <https://lawcenter.giffords.org/gun-laws/policy-areas/guns-in-public/stand-your-ground-laws/>.

<sup>252</sup> Giffords Law Center to Prevent Gun Violence, “‘Stand Your Ground’ Laws.”

proceeding.<sup>253</sup> Coupled with an expanded (and possibly justifiable) distrust of the intentions, competency, and legitimacy of government, law enforcement, firefighters, and EMS personnel may face difficult choices in how to interact with armed individuals while ensuring their safety and the protection of citizens' rights.

Furthermore, the advancements in both right-to-carry and stand-your-ground legislation should provide a cautionary tale to government and elected officials about how the actions of outside special interest groups can affect state law. Right-to-carry and stand-your-ground laws have reduced government officials' ability to regulate the carrying of firearms outside the home and complicated the investigation and prosecution of negligent firearm use. Finally, nuances in the wording of laws from state to state place added burden on public safety officials and prosecutors in how to interpret these laws.<sup>254</sup>

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<sup>253</sup> Wood, "Fixing the Rescue Task Force." Following the Pulse Nightclub shooting, not only did fire officials refuse their personnel access to the "casualty collection point" located in the "warm zone" across the street from the nightclub to rescue victims, but they also forbade the opening of a nearby fire station—clearly located in the "cold zone" of the shooting—to victims fleeing the scene, presumably over "scene safety."

<sup>254</sup> Drake, "The Castle Doctrine," 590–92. Drake demonstrates a dramatic difference between Florida's and Texas's stand-your-ground laws. In Florida cases involving stand-your-ground issues, jurors are instructed to presume that the "actor" had a "reasonable fear of imminent death or bodily injury" if the victim of the shooting was found in another's home or car. However, in Texas law, claims Drake, this "presumption" is rebuttable by the prosecution even though Texas law provides no such guidance.

#### IV. SCENARIO 1: EVOLVING FACTORS IN RESPONSE TO MAN-MADE CRISIS EVENTS

James Rivard, an officer with the Billings Police Department and Senior High’s school resource officer, woke up Friday morning feeling sick. He had been fighting the flu for two days, and it was not getting any better. He called the shift commander and Senior High’s principal, Mrs. Ostrund, informing them that he would not be at the school that day, feeling a twinge of guilt knowing that Fridays were always busy as the students geared up for the weekend. “It will be fine,” he decided. “The life of a school resource officer is pretty quiet.”

Meanwhile, Mr. Kestler was getting dressed and readying himself for class that day. He knew he had a test to administer in fourth-period American history. Hopefully, he would have time to grade the pile of papers that had been growing on the corner of his desk. As he finished dressing, he slipped the holster for his concealed handgun onto his belt. He then checked to see that his Glock 19 was loaded—he inserted a magazine containing 15 rounds of frangible ammunition into the pistol. “Damn hassle,” he thought. “Oh well, you knew what you signed up for when you volunteered,” Kestler muttered to himself and continued dressing.

Miles away, the shooter was deep in his thoughts. He had finally had enough. Today, they were all going to pay, everyone who had excluded or picked on him; his ex-girlfriend, Cindy, who had broken up with him; and Mrs. Ostrund, who had suspended him for fighting. Both of his parents were already at work, so it was easy to get his dad’s AR-15 out of their bedroom closet and break it down into two pieces that fit inside his oversized backpack. He also took the pistol that his parents kept in the nightstand and put it in the waistband of his pants.<sup>255</sup> What extra magazines he could find went into the backpack as

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<sup>255</sup> Joseph Wertz et al., “Differences between New and Long-Standing US Gun Owners: Results from a National Survey,” *American Journal of Public Health* 108, no. 7 (July 2018): 874, <https://doi.org/10.2105/AJPH.2018.304412>. According to Wertz et al., two of every five new gun owners with children report storing at least one of their guns unlocked or loaded.

well. Finally, he picked up the smoke grenade that he had bought online and stuck it in his pack. His plan was coming together.

The shooter was able to slip in the side entrance to Senior High unnoticed. That door was always unlocked, especially when it was warm out. His plan was simple: stash the rifle in a locker-room locker—the locker room was usually empty this early. Then, he would hide in the nearby men’s bathroom until after first period began. After the first-period bell, he would set off the smoke grenade in his locker and pull the fire alarm.<sup>256</sup> He would then wait for the halls to fill with smoke (and hopefully victims), shoot them with the pistol as he retrieved the rifle from the locker room. He would then proceed upstairs to the second and third floors, hoping to catch as many people in the open as possible. The police would have to come to him.

The first-period bell rang. The shooter waited for a minute, heart pounding, and left the bathroom. The hallway was almost empty, with only a couple of students hurrying to class. At his locker, he thought, “This is it! Goodbye, shitty world.” The smoke grenade, intended for airsoft games, had a pull-wire igniter. Hiding behind the open door of his locker, the shooter pulled the igniter, closed the locker door, and padlocked it shut. Within 10 seconds, dark grey smoke began to pour from the vents in the locker door. The shooter calmly walked to the fire alarm and pulled down on the handle. As the fire alarm began to wail, he turned about-face and headed back toward the locker room. In the background, he could hear classroom doors opening, and as he turned into the locker room, he heard the first cries of “Fire!” “Yeah, fire, that’s what I’m about to do,” he thought.

Inside the locker room, two boys were standing near the locker that held his rifle. Without hesitation, the shooter pulled the pistol from his waistband and shot each of them twice. Double-taps, he knew, always worked best in the videogames he played.<sup>257</sup> The shooter doubted that anyone would have heard the gunfire from within the locker room

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<sup>256</sup> Buerger and Buerger, “Those Terrible First Few Minutes,” 8. The FBI recommends that without evidence of fire, school lockdown procedures override a fire alarm.

<sup>257</sup> Kupchik, Brent, and Mowen, “The Aftermath of Newton,” 1117. Kupchik, Brent, and Mowen state there is little evidence that violent video games lead to real violence, a myth widely propagated by the media and politicians.

over the sound of the fire alarm. The rifle was right where he had left it, assembled and ready, when no one was there. The shooter turned around and headed for the hallway.

The narrow hallways of Senior High were beginning to fill. The students seemed happy to be getting out of class—if only for a little while. A couple of teachers were approaching the shooter’s smoking locker, and the maintenance man was coming down the hallway with a fire extinguisher. He shot at them first. Mr. Edwards, a math teacher, seemed to realize instantly what was happening. “Steven—No!” he screamed, and then fell to the ground.

The shooter smiled. “It’s working!” He then began to fire the rifle while heading toward the back stairs. Cindy, he knew, had American history during first period.

On the second floor, Mr. Kestler had just handed out tests to the students when the fire alarm began to sound. That’s odd, he thought. No fire drills had been scheduled for today. Just some kids trying to get out of class early, he mused. Then, faintly, he heard what had to be fireworks coming from the first floor, but the cadence of explosions was off. Then the screaming started.

Mr. Kestler had been one of the first teachers to sign up for the Billings School District’s School Guardian Program. Loosely modeled after the Texas school marshal program, this voluntary program provided training and authorization for school district staff to carry concealed weapons while on school grounds, to be used defensively in the event of an active shooter.<sup>258</sup> Mr. Kestler had completed his training two years previously, and while no incidents had caused any of the school marshals in the district to deploy their weapons, Mr. Kestler remained acutely aware of the controversy that armed staff members had created within the district.

While Montana is a gun-friendly state, both parent and teacher groups had met the program with resistance out of concern for the students’ safety and emotional well-being.

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<sup>258</sup> Rostron, “School Shootings and the Legislative Push,” 450. Rostron states that a Texas school marshal shall undergo 80 hours of training, be able to legally obtain a concealed weapon permit, and pass both a background check and psychological screening. While reports indicate that the program has been adopted by rural school districts, larger cities in Texas seem to be opposed to appointing school marshals. Furthermore, Texas law allows only one school marshal for every 400 students.

Because the district was self-insuring, it was able to negotiate liability issues in arming school staff. At the launch of the program, the district had partnered with the Billings Police Department and the Yellowstone County Sheriff's Office to implement both a firearm training program consistent with state law and, more importantly, crisis intervention team training for all of the district's school guardian volunteers. Mr. Kestler and the rest of the teachers who had gone through the weapons training had also been instructed in emergency first-aid procedures by members of the Billings Police and Fire Departments.<sup>259</sup> Proper training and emergency procedures were in place—in writing—and rehearsed annually.<sup>260</sup> Parental and union resistance to the program had grown in the last year following a negligent, accidental firearm discharge by an armed teacher on school grounds.<sup>261</sup>

All of these facts disappeared from Mr. Kestler's mind when he heard what could only be gunfire coming from the first floor. Mr. Kestler immediately initiated the emergency plan as per district policy. Step one was to initiate the "run-hide-fight" program. Mr. Kestler immediately locked the door to the classroom. He then began moving all of the students to a corner of the room not visible from the window in the door. As he turned out the classroom lights, he instructed the students to turn off their cell phones. While most of the class seemed to be in a state of shock, several of the students assisted Mr. Kestler in moving his desk in front of the doorway. Unfortunately, despite Mr. Kestler's instructions, many of the students were on their cell phones typing away. Mr. Kestler finally positioned himself in a "hard corner" of the room, near the students where he could not be seen easily from the doorway window. Much to the surprise of his students, who were unaware that he

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<sup>259</sup> Wood, "The Next Generation of Active Shooter Response." Wood suggests that as a proactive measure, law enforcement should provide training, such as stop-the-bleed courses, to high-risk populations including schoolteachers.

<sup>260</sup> Jones, "Armed to Learn," 62–64. Jones identifies several factors for schools to evaluate the risks and benefits of armed teachers before implementing an armed school staff program. Such factors include social and cultural attitudes toward guns, the type of employment, voluntary carry, employment and liability, emergency procedures, and school board policies.

<sup>261</sup> Winston, "Equipping Teachers with Firearms," 84; Michele Richinick, "Utah Teacher Shoots Herself in the Leg while at School," MSNBC, September 12, 2014, <http://www.msnbc.com/msnbc/utah-teacher-shoots-herself-the-leg-while-school>; and Chris Cole, "LSU Professor Shoots Self in Foot," KIFI, September 9, 2014, <https://www.localnews8.com/news/isu-professor-shoots-self-in-foot/58063274>. While Winston claims that the Harold (TX) School District has not experienced negligent firearm discharges by armed teachers, other states that allow armed teachers, such as Utah and Idaho, have had occurrences on school grounds.

was a school guardian, Mr. Kestler drew his handgun and chambered a round in the pistol.<sup>262</sup> He stood there, visibly shaken, waiting. From outside the classroom, the sound of gunfire was drawing closer.

Five blocks away from Senior High, Sergeant Davidson was the first to receive the frantic notification from the 9-1-1 center that a possible active shooter situation was underway at the school. Sergeant Davidson was one of seven patrol officers on duty city-wide. He immediately sped toward the school. Upon arriving at the front of the school, Sergeant Davidson faced a dilemma. As the first arriving officer, his training told him that he must immediately enter the school and engage the shooter. However, as the ranking patrol officer, it was also Sergeant Davidson's responsibility to assume command of the incident and direct other officers and responders. For Sergeant Davidson, it was no contest. In light of the controversy surrounding the failure of school resource officer and Broward County Deputy Scot Peterson's failure to enter Marjorie Stoneman High School and subdue the shooter, many law enforcement agencies changed the expectation of their officers from "may" engage to "shall" engage an active shooter.<sup>263</sup> This would prove to be a terrible mistake.

Just as Sergeant Davidson was arriving at Senior High School, David McCormick looked down at his buzzing phone—he had just received a text message from his daughter, Cindy. When he opened the message, he gasped. "Dad, there is an active shooter at our school!" it read. David could not believe it and stood in surprise for a full minute. He knew what he had to do. Senior High was only a mile away.

"Mark, there is a shooting at Senior," he told his co-worker. "I am going there now!"

"I'll go with you," said Mark.

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<sup>262</sup> Lana M. Minshew, "From the Editorial Board: On Arming K-12 Teachers," *High School Journal* 101, no. 3 (Spring 2018): 132, <https://doi.org/10.1353/hsj.2018.0006>. There is much debate about how arming teachers affects students' mental well-being and feelings of security in schools. According to Minshew, no studies have surveyed student opinions about having armed teachers in classrooms.

<sup>263</sup> Kalhan Rosenblatt, "Broward County Officials Change Shooting-Response Policy after Lessons Learned in Parkland School Massacre," NBC News, December 26, 2018, <https://www.nbcnews.com/news/us-news/broward-county-officials-change-shooting-response-policy-after-lessons-learned-n952036>.

David grabbed his handgun from his desk drawer. There was another handgun in his car—he would give that to Mark. No way was some kid going to kill his daughter. David and Mark were only two of dozens of parents who received such messages from their children in the minutes following the shooter’s first shots. They would not be the only ones to drop what they were doing and go immediately to Senior High. And, they were not the only ones armed.<sup>264</sup>

Inside Senior High, Mr. Kestler could hear the sound of gunfire outside his door. Screams from students in the hall and the sound of the fire alarm made it almost impossible to focus. Two or three minutes had passed since Mr. Kestler had heard the first sounds of gunfire. When the first volley of bullets cut through the glass window of the door, everyone in the classroom screamed and tried to hide further in the room’s corner. Soon a hand appeared through the shattered glass and began fumbling at the door lock. As the door swung to the outside, the grinning face of the shooter soon replaced it. Then the muzzle flashes started.

The shooter yelled, “Where are you, Cindy?” and began randomly firing into the classroom.

Mr. Kestler, afraid for his life and the lives of his students, returned fire. As Mr. Kestler pressed the trigger of his Glock pistol for the third time, something obstructed his view, and then it was clear again. As he refocused on the doorway, he noticed that the shooter was no longer there. The classroom was full of screaming. At least one student was lying motionless on the ground. The floor was covered in red. From the hallway, there was one more shot. Mr. Kestler slowly moved toward the classroom door to see whether it was safe.

Meanwhile, Sergeant Davidson was racing to the entrance of Senior High. A steady stream of students was pouring out the door. Sergeant Davidson kept asking them where

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<sup>264</sup> Fritz and Mathewson, *Convergence Behaviors in Disasters*, 1–4, 40–46; and Buerger and Buerger, “Those Terrible First Few Minutes,” 6–7. The convergence of people on disaster scenes is a well-documented phenomenon. One subset of convergers identified by Fritz and Mathewson are those intending to render assistance. These “helpers,” state Fritz and Mathewson, may provide informal solutions in the absence of formal ones. Buerger and Buerger warn that in an active shooter situation, especially in rural areas, the arrival of armed citizen responders should be anticipated.

the shooter was but received no clear answer. The fire alarm was still sounding, and the hallway was full of smoke. Finally, one student said, “He’s on the second floor!”

As Sergeant Davidson moved into the building, he could hear gunshots ahead. He passed the bodies of several students and adults as he moved to the second floor. As Sergeant Davidson rounded the corner, he saw a figure dressed in a plaid shirt and jeans, standing with a handgun pointed at a student on the floor. “Drop the gun! Drop the gun!” Sergeant Davidson yelled.

Blocks away from the school, two fire trucks and two ambulances pulled into a fire lane, following active shooter response protocol. As the firefighters began donning the protective armor and helmets that the department had issued two years before, the fire captain tried to communicate with the lead police officer on the scene. She knew that the rescue task force could only be deployed once a unified police/fire command had been established. She was met with radio silence. The fire captain then tried to communicate with the 9-1-1 dispatcher and requested additional engines and ambulances. Only three ambulances were on duty that day, and the third was on another call.

As the fire captain sat there wondering what to do next, she began observing more and more cars converging on the street in front of the school. As drivers exited their cars, the fire captain realized, “Shit, those guys have guns!”

The fire captain then ordered the other engine and two ambulances to move farther away from the scene. There was still no contact with an on-scene law enforcement officer. While she was waiting, the fire captain had the foresight to notify the two trauma centers that an active shooter scenario was unfolding and that the hospitals should prepare for a mass casualty event.

When David and Mark arrived at the front of Senior High, it was chaos. Dozens of students were fleeing the grounds of the school. Some students appeared to be wounded, and there was at least one body on the front stairs of the school. Only one police car was present, and no one was obviously in charge.

“Come on, Mark,” David said, starting for the door, pistol in hand. As they moved toward the school, at least five other cars of visibly anxious parents pulled up rapidly in

the school bus loading area next to the street, effectively blocking the street from approaching traffic—including law enforcement.

On the second floor of Senior High, the boy in plaid turned and swung the pistol toward Sergeant Davidson, who had no other choice but to press the trigger on his patrol rifle. As he did, Sergeant Davidson caught a glimpse of a beard on the *man* in plaid, but it was too late to stop the bullets that raced down the hall, striking Mr. Kestler and dropping him where he stood.<sup>265</sup> Mr. Kestler—after returning fire toward the shooter, seeing the empty doorway, and hearing a final gunshot from the hallway—had exited the classroom. As he stood in the hallway, covering the body of the shooter with his handgun, he had heard yelling from behind him, and without thinking, had turned to face the threat. As he saw the uniformed police officer pointing a gun at him out of the corner of his eye, Mr. Kestler’s last thought was, “What was I thinking?”

In the meantime, three other Billings Police officers and two county deputies had arrived at the school. Because the city and county operated on different radio frequencies, they could not communicate directly with each other. After meeting face-to-face, they decided to enter the school and begin searching for the shooter. As the city officers entered the building, they finally received notification from Sergeant Davidson that he had neutralized a shooter on the second floor. However, the city officers had no way to communicate with the deputies.

As the deputies moved past the bodies of the injured and dead, a man who looked like a teacher approached them, saying, “I just saw two men with guns by the front office!” The deputies immediately began moving in the direction the teacher had indicated.

Outside, the fire captain and the crews of both fire engines and the ambulances were still waiting to establish command with law enforcement. They had gone over the procedures for implementing rescue task force operations and were ready to go.

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<sup>265</sup> DeMitchell, “Locked Down and Armed,” 291. The specter of a law enforcement officer accidentally mistaking an armed teacher for the active shooter is a concern frequently raised by the opponents of the armed-teacher paradigm. As told by DeMitchell, after taking part in a simulated active shooter training scenario in which he accidentally shot a teacher attempting to subdue a shooter, an Arkansas state senator said, “The tough part is when law enforcement does arrive, it’s hard to distinguish between the good guys with guns and the bad guys with gun[s].”

Unfortunately, protocols demanded that they establish a unified command with a senior law enforcement officer before commencing rescue operations. As the crews stood by watching the chaos ensue, it became clear that it would be nearly impossible to get the ambulances close to the entrance of the school. Minutes later, the fire dispatcher instructed the fire captain to meet Sergeant Davidson at the main entrance of the school. It took almost 10 minutes for the linkup to take place.

As Sergeant Davidson briefed the fire department crews on the location of the victims, the two sheriff's deputies had problems of their own. As they moved down the hallway toward the school office, they observed two men yelling at someone behind the glass of the office. One man was plainly holding a handgun. As the deputies approached, they began yelling at the men to drop their weapons and place their hands in the air. The sight of uniformed officers with weapons pointed at them caused the two men to follow directions. The deputies handcuffed and searched each man. They then moved the men to one of their patrol cars. As the deputies exited the school with the men in custody, a large crowd of parents, media, children, and bystanders gathered by their patrol cars. Demands for information further slowed the deputies' activities. The men's claims of innocence and demands to see their children were ignored. This process took another 15 minutes.

Sergeant Davidson directed the three additional police officers to serve as a protective detail for the fire crews performing rescue task force activities. Having practiced these tactics several times over the last two years, the police and fire crews worked well together and began triaging, treating, and transporting the injured to the awaiting ambulances. However, because of the traffic jam created by all of the people who had converged on the scene, transportation of the more seriously wounded was difficult. The number of victims forced the ambulances to do laps back and forth from each hospital. It would be another 40 minutes before ambulances from neighboring communities arrived on scene. Finally, one officer called for a city bus to move those with minor injuries, leaving the ambulances for the most seriously wounded.

As the joint police and fire rescue task force made its way to the second floor, they found the bodies of the shooter and Mr. Kestler still lying in the hallway. As the task force entered Mr. Kestler's classroom, they found that all the students had already evacuated the

room. There was only one student casualty in the classroom. One of the police officers remarked, “It looks like this one was shot from behind.”

“Yeah,” replied the other officer. “Sarge said the students had told him that when the shooter opened fire, this kid stood up just as the teacher was returning fire and was hit by the teacher.”

“Well, maybe it is a good thing he did not make it then,” replied the first officer, “How could you live with that on your conscience?”

“I don’t know,” said the second officer. “Ask sarge. He shot the teacher when the guy turned around with a gun in his hand.”

“Shit.”

“Yeah, shit is right,” sighed the second officer.

In the end, the police spokesman told the media that nine people, including the shooter, had been killed, and 17 more were injured by gunfire in an event that had lasted approximately seven minutes from the first shot till Sergeant Davidson mistakenly shot Mr. Kestler.<sup>266</sup> Of the nine dead, three deaths were attributed to the delayed response of the rescue task force. Twenty-seven more people had been injured while escaping. Both Mark and David were charged with carrying firearms on school property and interfering with a police investigation. Sergeant Davidson took an early medical retirement from the police department after suffering from depression and post-traumatic stress disorder over the errant killing of Mr. Kestler. The parents of the student accidentally killed by Mr. Kestler filed a lawsuit against the Billings Public School District and the estate of Mr. Kestler because the “injury was caused by a government-created danger . . . [and the] municipality [had] failed to adequately train its employees after implementing a policy that clearly necessitate[d] proper training.”<sup>267</sup> A class-action lawsuit was filed by the victims of the shooting against both the shooter’s parents for failing to secure their firearms

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<sup>266</sup> Peppers, “The Strategic Citizen,” 10. Research on 24 school shootings and 41 workplace shootings indicates that the active shooter may shoot one person every 15 seconds during his rampage.

<sup>267</sup> Weatherby, “Opening the ‘Snake Pit,’” 124–25.

adequately and the Billings Police Department for negligence in not having an SRO present that day.

#### **A. ANALYSIS**

This scenario described several of the challenges facing law enforcement and other public safety agencies stemming from a crisis event. Jones notes that on October 10, 2013, Taft Union High School District in California experienced an active shooter situation in which the shooter specifically targeted another student.<sup>268</sup> Unfortunately, the assigned SRO was absent that day. The victim survived his injuries and brought suit against the school district, which in turn, filed a complaint against the city of Taft, alleging that had an SRO been present that day, the shooter would have been deterred and the shooting prevented.<sup>269</sup> While the city of Taft claimed immunity, the court overruled the motion, leaving the nature of the city's liability in question.<sup>270</sup>

This case illustrates that law enforcement organizations who contract with school districts to provide armed security may be accepting the risks that accompany the provision of such services. The scenario also illustrates how school districts and armed staff members may take on additional liability through the doctrine of government-created danger. A second issue the scenario raises is that even when armed school staff members have received proper training and use proper equipment, there is still a significant possibility of human error. DeMitchell cites an example of armed school staff proponent Arkansas State Senator Jeremy Hutchinson accidentally shooting another armed school staff member during a simulated training scenario as representing "the fog of war" that will almost certainly accompany such an event.<sup>271</sup> However, no school district with policies for the arming of staff members has made such policies mandatory. Instead, the programs are entirely voluntary for eligible staff members. It seems unlikely that school staff members who are unwilling or unable to accept the risks and responsibilities of carrying a firearm in

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<sup>268</sup> Jones, "Armed to Learn," 51.

<sup>269</sup> Jones, 51.

<sup>270</sup> Jones, 51.

<sup>271</sup> DeMitchell, "Locked Down and Armed," 291.

defense of their students would volunteer for such a program. Additionally, a thorough training program, such as the one in Texas, may compel others to opt out of the program or fail to meet the approved standards for armed school staff so as not to be granted the ability to carry a firearm on campus.<sup>272</sup>

Senator Hutchinson's failure to correctly identify another good guy with a gun highlights the further challenges that armed school staff members, law enforcement, and other responders will face due to the principle of convergence. As armed and unarmed responders and citizens move toward the disaster site, it will become nearly impossible to tell the good guys from the bad. Because law enforcement will treat any armed individual as a suspect, the convergence of armed citizens and possibly non-uniformed law enforcement officers will tie up critical resources at a time when they are most needed. In a worst-case scenario, the convergence of armed citizens may lead to a "blue-on-blue" incident, where one good guy mistakes another good guy for a bad guy and shoots him, resulting in further injuries or deaths. Furthermore, managing the convergence of people and materiel will deplete the number of public safety officers available to assist the injured.

Unfortunately, statistics suggest that waiting for a law enforcement response could have a high human cost. The first person encountered by an active shooter is often the first victim.<sup>273</sup> Once the killing begins, someone is shot on average every 15 seconds for an average of three to four minutes.<sup>274</sup> Ultimately, in 40 percent of active shooter incidents, shooter suicide or citizen intervention has ended the event before law enforcement's arrival.<sup>275</sup> These statistics create a strong argument for solutions to active shooter violence beyond the traditional law enforcement response. Programs like run-hide-fight may reduce the numbers of casualties at the scene of an active shooter event but are unlikely to end the

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<sup>272</sup> Rostron, "School Shootings and the Legislative Push," 450.

<sup>273</sup> Buerger and Buerger, "Those Terrible First Few Minutes," 10.

<sup>274</sup> Peppers, "The Strategic Citizen," 10.

<sup>275</sup> J. Pete Blair and Katherine Schweit, *A Study of Active Shooter Incidents in the United States between 2000 and 2013* (Washington, DC: Federal Bureau of Investigation, 2014), 11.

event.<sup>276</sup> Knowing the statistics, school districts will likely continue to look for ways to mitigate the active shooter threat such as by arming school staff.

## **B. CONCLUSION**

In summary, the Sandy Hook school shooting has ignited the ongoing debate over how to best secure schools in the United States. While the policy over arming school staff members is still being debated, the idea of armed civilians at crisis events must be planned for now, more than ever. Whether armed civilians are present at these crisis events as part of an organization's formal policy or they arrive as members of the public converging as armed citizen responders, law enforcement and emergency service leaders must take a proactive approach in managing these encounters.

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<sup>276</sup> Lenworth M. Jacobs Jr., "Joint Committee to Create a National Policy to Enhance Survivability from Mass Casualty Shooting Events: Hartford Consensus II," *Journal of the American College of Surgeons* 218, no. 3 (March 2014): 477, <https://doi.org/10.1016/j.jamcollsurg.2013.11.004>. This program recommends a strategy of running, hiding from, and if all else fails, fighting an aggressor during an active shooter situation. It seems to be the baseline response to such events.

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## **V. SCENARIO 2: EVOLVING GUN-RELATED FACTORS IN RESPONSE TO NATURAL DISASTERS**

As Deputy Valdez drove down the gravel road, the smoke column from the massive fire could be seen in the distance. It was getting closer. In light of the county commissioner's declaration of emergency, he had been ordered to start directing residents of the county to evacuate their homes. The county's other three deputies and the undersheriff were coordinating road closures with the county sheriff, who was back in the emergency operations center. The fire had already burned over 10,000 acres of grassland and was now being driven toward the low hills south of Roundup by winds gusting more than 50 miles per hour. Deputy Valdez knew that if the fire made it into the hills and valleys of the Bull Mountains, it would be almost impossible to put out, and the number of houses that would be destroyed would go way up.

The first two property owners that Deputy Valdez had advised to begin evacuating seemed happy to do so and already appeared to be loading personal belongings into their vehicles. However, as Deputy Valdez approached the Armstrong Ranch, he had few illusions that things would go as smoothly. The Armstrong Ranch sat at the bottom of the valley and could easily be identified by the large Confederate flag flying over the metal shop building near the road. The Armstrongs had a long history of interactions with the Musselshell County Sheriff's Office over everything from tax disputes to bad relations with their neighbors. The irony was that John Armstrong frequently told anyone who would listen that the county sheriffs were the only constitutional law enforcement officers in the state.

When Deputy Valdez pulled onto the long driveway leading up to the Armstrong Ranch, he noticed a new no-trespassing sign posted at the intersection with Jamison Creek Road. Deputy Valdez noticed a sizeable number of trucks, people, and activity at the ranch house. As he put his truck in park, he saw the obvious figure of John Armstrong breaking away from the group of men and heading his way. "What do you want, deputy?" Armstrong called out.

“Hi, John. I’m coming by to let everyone know that the fire is about five miles out, and it’ll be here by tomorrow morning if the winds keep up. The county commissioners have declared a state of emergency and have ordered mandatory evacuations,” Valdez replied.

“Mandatory, huh?” Armstrong snorted. “I don’t think so. I’ve got 200 head of cattle out there, so unless you’re going to round them up yourself, my family and neighbors will be right here working through the night.”

“Well, look, John,” Valdez replied, “we need to have everyone out of here as soon as possible to keep the roads open for the firefighting crews and to keep the area secure for everyone who has already left. Plus, we can’t guarantee anyone’s safety—we’re just spread too thin.”

“Those are your problems, deputy, not ours. I guess if the sheriff doesn’t like it, he can come down here himself, but he’s going to get the same response. We can take care of ourselves and our property, so feel free to head out the way you came in.”

By this time, a number of the ranchers who had been by the house had come down to hear the dialog between Deputy Valdez and Armstrong. Several of them nodded their heads in agreement with Armstrong, and Valdez heard at least one of them mutter, “Don’t bother coming back unless you have a horse and a rope.” Valdez noticed that many of the ranchers were openly carrying handguns on their hips.

“Please, John,” Valdez tried again. “I need you to understand what we are up against here. We are trying to save everyone’s lives and property. There’s a strike force of fire engines and water tenders, and a bulldozer heading this way. They need to operate in here, and all these people and trucks are just making that harder.”

“The last thing we need is a bunch of strangers cutting our fences, sucking the stock ponds dry, and wrecking all of our pasture. I think you saw the no-trespassing sign back there. If you missed it, feel free to check it out as you’re leaving. It applies to you, too. This is private property. You do not get to tell us how to take care of it or our families. You should leave now. We are standing our ground,” he said, as he and the others turned back toward the house.

Sensing that further discussion was a waste of time, Deputy Valdez turned his truck around and headed back to Jamison Creek. There were other homeowners he needed to notify. Valdez knew he would have to call the sheriff to see what to do next. As he headed back toward town, he noticed two of the other ranchers had pulled in behind him, and one proceeded to block the westerly approach to Jamison Creek Road with a truck before heading back with the second rancher.

“This is going to be a problem,” Deputy Valdez thought. Then, he got on the radio.

Fifteen miles on the east side of Jamison Creek Road, the Bureau of Land Management (BLM)’s Engine 66 was using GPS to map the perimeter of the fire and figure out how firefighting units could best access the blaze. Dan Johnson, E66’s engine boss, was happy to have a member of the Musselshell County Rural Fire Department riding with him. Not only did Tom Ryan know all of the property owners in the area, but he knew where most of the two-track ranch roads, water springs, and fence-line gates were. Face it, Johnson thought, no kind of fed is popular in these parts. Johnson decided that when they made it back to Jamison Creek Road, they would head west toward State Road 3 and make a full circle around the perimeter of the fire.

During a terse five-minute radio conversation, the sheriff reiterated his previous instructions to Deputy Valdez. All of the 150 or so residents of Jamison Creek needed to evacuate immediately for accountability purposes and to leave the road open for the firefighters and their equipment. The weather report did not look promising, according to the sheriff: the fire had nearly doubled in size in just three hours, and high winds were still pushing the fire toward Jamison Creek. The sheriff promised to dispatch an officer from the Montana Highway Patrol (MHP) to meet Deputy Valdez to facilitate evacuating Jamison Creek. As Deputy Valdez sat waiting for the MHP officer to arrive, he saw two semi-trucks with cattle trailers turn onto Jamison Creek Road. One of the drivers smiled at Valdez and waved. The other flipped him off.

About 45 minutes later, a Dodge Charger with MHP logos on the side pulled up alongside Valdez at the intersection of County Road 3 and Jamison Creek Road. The officer got out and introduced himself to Valdez as Officer Huston. He told Valdez that he was

from the Great Falls District, about 150 miles away, and that he had been ordered down to Musselshell County to assist with firefighting operations. Valdez had never met him before this morning.

“Sheriff Bell told me that some of the residents are not willing to leave and that you need a hand getting them to evacuate,” the patroller said to Valdez. Valdez explained the situation, noting that there were at least 50 people still on Jamison Creek. The problem, he said, was that most of the people still there were worried about saving their livestock. He also told the patroller about how the road was being blocked off and how several tractor-trailers had gone down the road, presumably to help Armstrong and the others move their cattle out. Valdez also explained to Huston how vital the cattle were to the ranchers’ livelihood and that the residents of Jamison Creek might not be willing to leave without them.

Valdez and Huston proceeded back down Jamison Creek Road toward Armstrong Ranch. There was still activity at several of the houses along the road. As they approached the Armstrong Ranch, they saw that the roadway had been entirely blocked by one of the semi-trucks and the pickup that had followed Valdez when he had left earlier. John Armstrong’s oldest son Kirk was sitting in the truck and got out of the cab as Valdez and Huston approached.

Valdez noted as they pulled up that only a narrow corridor of the road was open between the ditch and the parked semi, and it was blocked on the far end by Kirk Armstrong’s truck. Not only would no fire apparatus be able to pass, but it also created a natural choke-point for the two officers and their vehicles. As Valdez came to a stop, he noticed that Armstrong was armed with a handgun just like the others up at the ranch house.

As Valdez exited his truck, Armstrong spoke: “Dad said you were going to be back. Until we get all the cattle down here, we are not leaving. Why don’t you go find someone who wants your help, and leave us alone? You’re just wasting your time here.”

“Look, Kirk...” Valdez began.

From behind him, Huston cut him off. “I’m Officer Huston with the Montana Highway Patrol. Both the Musselshell County commissioners and the governor have

declared a county-wide emergency. You all need to open up this roadway and evacuate immediately.”

“Where do you think you’re at, Malheur?” came a voice from behind them.

Valdez looked up and saw two men standing atop the semi. Each held a rifle pointed casually at the ground, but the intent was pretty clear to Deputy Valdez. He noticed that Kirk Armstrong’s hand had come to rest on the butt of his holstered handgun.

“Why don’t you head back the way you came, deputy? We will be along as soon as we get the cattle taken care of,” the first man said. “And as for you,” he gestured toward Officer Huston, “go back to Billings or wherever you came from. You don’t have any standing here. Not today.”

Before Huston could respond, Valdez said, “Let’s go Huston. Let these men get back to work.” Huston glared at him but returned to his Charger while taking a hard look at each man.

“Oh, and tell the governor that we’re keeping our guns. This is not the Virgin Islands, and he is not Ken Mapp,” said the second man from the top of the truck.

As Kirk Armstrong watched the two law enforcement officers back down Jamison Creek Road, he decided he had better check with his father to see whether Steve Boyer and a couple of the other men could close Jamison Creek Road on the east side of the ranch. No sense having any surprise visitors, he concluded.

Dan Johnson and E66 had just come to the intersection between the two-track ranch road they had been following and Jamison Creek Road. Johnson thought for a minute about heading east to Highway 87 and then continuing to Roundup and the emergency operations center. Figuring that it would add only about an hour and a half to the trip, he decided to turn west on Jamison Creek Road so that he could make an entire trip around the outer perimeter of the fire. He tried to contact the emergency operations center (EOC) with both his radio and cell phone but was unable to raise either the EOC or any of the other engines working the fire.

“Well fellas, let’s swing around the head of the fire and get a look at where it is heading next,” Dan said to Tom Ryan and the two other crew members of E66. Instead of turning back toward town, they turned west toward the Armstrong Ranch.

Back at the intersection of County Road 3 and Jamison Creek Road, to the west of the Armstrong Ranch, Valdez and Huston were having a heated discussion over what had transpired. Huston had just finished tearing into Valdez about pulling back from the confrontation with Kirk Armstrong and the two men atop the semi.

“Look,” Huston complained, “those guys need to follow the rule of law. We are here under orders trying to save them. Can you believe they threatened us? Then, of all the things, you pull us out of there!”

“Nothing more was going to be accomplished by arguing with them, at least not right then,” Valdez said. “Those people are fighting for their livelihood. Besides, they had us at a tactical disadvantage. I was not going to press our luck. Besides, since the governor went on CNN and said he wants to ban assault rifles, law enforcement is not very popular—not up here anyway. The last thing I was going to let happen was the start of a gunfight. If they want to get burned out, then who are we to stop them?”

“Well that is fine,” Huston replied, “but what about all of the other people’s property that’ll likely burn when we can’t send firefighting units in there to stop the fire—because of those clowns?”

“You’re right about that,” said Valdez, “but we can’t let any responders go down the road. They’re just going to get tangled up in that mess, and who knows what the Armstrongs will do then! I’ll get on the radio and call the sheriff. We’ll see if he wants to reposition some of the fire engines and equipment that were supposed to come here. We cannot let their B.S. get in the way of firefighting operations. That has got to stay the top priority.”

Engine 66 was moving down Jamison Creek Road about six miles east from the intersection with County Road 3 when it came around a tight corner and halted abruptly. Sitting in the middle of Jamison Creek Road was a single pickup with a man holding a rifle behind it.

After stopping suddenly, Johnson rolled down his window in time to hear the man behind the truck holler, “The road is closed boys. Better head back the way you came!”

“What the hell is this?” Johnson exclaimed.

“Let me go find out,” said Ryan, exiting the fire engine.

“What are you doing with the feds, Tom?” the man behind the truck called out.

“Trying to stop this fire before it burns everything to the ground,” Tom replied. “Is that you, Steve?” Ryan continued, recognizing the rancher behind the truck as Steve Boyer, a friend of the Armstrongs.

“Yep, and listen, Tom, we already had a run-in with the sheriff and Highway Patrol. Until we get everyone’s cattle out, we are keeping the road shut down. We can’t have all those firetrucks blocking the way out,” Steve replied.

“Well, I’m guessing the deputy told you all the same thing,” Tom replied. “We’re just trying to get a handle on how big this fire is and how to best access it. How about you let us through so we can get back around this whole thing? We have a strike team of engines, tenders, and bulldozers heading this way. That is the best way to put this thing out and save everyone’s cattle, not just the Armstrong Ranch.”

“You’re not going to put that fire out with a few fire engines, and besides, as soon as it gets close, you’re just going to pull back to the road and let all of our homes burn anyway. We might as well save what we can, while we can,” Steve retorted.

As the men stood facing each other, two more white pickups came around the corner, barely missing the BLM engine before coming to a stop. The passenger in the front truck unrolled his window and hollered, “Hey, I’m Pete McCormack. My dad lives up on Summit Ridge Road behind the Armstrong Ranch. He’s out of town, and I need to get whatever I can from his place before it burns! I just ran into a Highway Patrol roadblock on 87—I need to get through!”

The man with the rifle seemed to consider this for a moment and then spoke. “All right, you two,” he said gesturing to McCormack and the men in the two white trucks. “Head on up to your dad’s place. Just stay out of the way of the cattle. As for you guys,

Tom, I'll let Armstrong and them know that you're coming through, but don't cause any trouble over there because they have plenty of problems without you making things worse."

Valdez and Huston were still talking outside their vehicles at the intersection of County Road 3 and Jamison Creek Road. Huston had called back to the county EOC, relayed the situation at the Armstrong Ranch, and requested more law enforcement backup. Valdez, having more appreciation for the problems and personalities involved, had called the sheriff to see whether he or one of the county commissioners, whom Armstrong respected, would come down and try to talk some sense into Armstrong in person. Both officers' requests had been moved up the chain of command, but no resolution had been forthcoming. The sun was at the highest point in the sky when Valdez saw the first of the fire apparatuses coming toward them.

A mix of BLM, county, and volunteer fire engines and a county water tender soon came to a stop next to the two parked officers. A bulldozer could be seen lumbering slowly behind the four fire apparatuses. The lead engine's engine boss called out, "Hey, we are here to start 'dozing a line up along the south ridge as a fire break and protect any houses that we can. Where do you want us to start?"

Valdez called back, "Nowhere right now. The Armstrong Ranch has the road blocked—they are trying to get all of their cattle out."

"Well, tell them to move, dammit. We can't stop the fire if we can't get up to the ridge!" the engine boss called back. "Go down there and tell them to get the hell out of the way!"

"They made it pretty clear they are not leaving until every cow they can load is loaded," Valdez said.

"Yeah, and they are armed! They threatened us when we told them to move," Huston added.

"Dumb SOB's! Don't they know that we will be fighting this thing until the snow falls if that fire crests the ridge and gets in the timber?" the Engine Boss exclaimed.

"They know—they just don't care," Huston responded.

“Well, if there is no access, and the scene is not safe, I’m not taking this strike force in there. I guess we just let it burn and catch it on the next ridge to the north, whatever good that will do!” said the engine boss.

As Huston and the engine boss argued up the road, E66 was making its way past the Armstrong Ranch to where Kirk Armstrong’s pickup blocked Jamison Creek Road along with the empty semi-truck.

When E66 pulled up, perpendicular to the parked truck, Armstrong got out of the cab, rifle in hand. “Steve radioed me and said he let you through, Tom. Who is your buddy?” Armstrong said.

“Look, Kirk, we are just trying to get a handle on how to stop this fire. There is a strike force of engines and a bulldozer supposed to be coming in to put a fire line along the ridge as soon as they can. We are GPSing the route for them. We need to get through to let them know where to go,” Tom responded.

“You guys don’t get it! That’s going to cause a traffic jam down here and keep us from moving our cattle out. Now you can keep going, but the next car that comes back down that road is going to get shot. I’m done warning you all to stay out.”

Kirk Armstrong moved his truck and waved E66 through the impromptu roadblock. E66 continued down Jamison Creek Road until it reached the intersection of Highway 3. As they pulled up to the mass of vehicles staged at the intersection, Dan Johnson noted there was a bigger mess at the intersection than down by the Armstrong Ranch.

In addition to the fire department strike force, several pickup trucks had arrived and were trying to get past Officer Huston, who was arguing with one of the men outside his patrol car. It was clear that the men in the trucks intended to help the Armstrongs and that Officer Huston was refusing to let them proceed down Jamison Creek Road.

Johnson and Ryan got out of E66 and joined the two officers and the engine boss from the strike force near the two officer’s vehicles. “Hey, fellas, I’m Dan Johnson with the BLM. We were mapping the head of the fire and just ran into those guys down at the

ranch. They say they're not opening that road anytime soon and told us to get out." Johnson sounded exasperated.

"Look," said Valdez, "I have called the sheriff and the county commissioners to see whether one of them will come down and talk some sense into Armstrong and the others. I haven't heard anything back from them, but even if they left now, it could be 45 minutes to an hour before they get here. By that time, it may be too late to get these guys," gesturing to the strike force, "in there to stop the fire."

Tom Ryan spoke up, "Well, I know the Armstrongs, and I know what is important to them. First off, they have no faith in any of us to stop that fire. Second, they looked pretty serious about not letting us back down there without there being some real trouble. Third, they don't like strangers or people from the government telling them what to do on their land. I have a few ideas about what to do here, but you all are going to have to trust Deputy Valdez and me." Ryan went on to outline his plan to the group. Ten minutes later, E66 was on its way back down Jamison Creek Road.

As they approached the makeshift roadblock, they noticed the empty semi had been replaced by one whose trailer was full of cattle. Kirk Armstrong was already out in front of the truck, rifle in hand. "Thanks for agreeing to ride down here with me in the engine, deputy. I think they will be less anxious seeing us in this than in your patrol car," Ryan declared.

"I hope so. The last thing we want is any trouble," Valdez responded.

"Hey Kirk," Ryan called out as they got close enough to be heard, "it's Tom Ryan from the fire department. Deputy Valdez and I need to talk to you or your dad. We do not want any trouble, and we're not going to make any for you."

Kirk Armstrong's rifle stayed pointed at the ground as he called back. "What now, Tom? I thought I told you not to come back down here."

Ryan spoke up. "Kirk, Deputy Valdez and I have a plan that gets you and your cattle out of here safely but still lets us get a handle on that fire before it burns everyone on Jamison Creek out. Here is what I propose: We keep all traffic off Jamison Creek Road

headed east so you and your family can move out that way and not get in a traffic jam that direction. You let us bring our strike force down to where we are, and they can start cutting a 'dozer line in from here up to Summit Ridge Road, west across the top of the ridge and back down to Jamison Creek. We won't interfere with any of your operations, and you can move out to the east. How does that sound?"

"I will check with dad, but we are about half done now, so as long as it's just the fire engines and dozer, that will probably work. Just no more cops, no offense," Armstrong replied, glancing at Valdez.

"Two things concern me," Valdez said. "First, I can't have anybody threatening or interfering with the fire crew once they go to work. They are a little nervous about all the hardware you guys are packing," Valdez nodding at the rifle in Kirk's hands. "The second thing is that those engines are going to need a water source once they get to work. If we leave Jamison Creek Road open to you headed east, we won't be able to bring water in that way, and it will take too long to move them around to the west side. How about you let us use your stock pond and spring to refill our trucks?"

"Huh, that sounds like a pretty good deal for you, deputy," Armstrong retorted, his hands tightening on the rifle.

"Wait, wait, wait," Ryan interceded, "listen, with all or most of your cattle gone, you won't need all the water. Dan Johnson, the BLM officer, has agreed that once you're out of here, he will call for the BLM water tenders to start refilling your stock pond. You won't even know it is gone! Dan and I will stay with you or your father as long as you are still here. Anything you need or want, or if something is not going how we said, we will be right with you to take care of it immediately. You still have control. Kirk, this is the best solution for you and your family right now. Please, work with us on this," Ryan concluded.

Armstrong left for several minutes and was clearly talking with those back at the ranch. When he returned, he said, "Ok, your plan seems pretty reasonable. No one will interfere with your firefighters, Tom. We have one condition. I know that your Hi-Po buddy has stopped several of our neighbors back there at County Road 3. If you let them in here,

we will be able to leave more quickly. Let them come down to help us, and we have a deal as long as you promise to refill the pond when this thing is over.”

Ryan looked up and said, “That works for me, Kirk. Does that work for you, deputy?”

“That seems fair enough. I’ll call back and have Huston send them this way. Thanks for being reasonable. Tell your dad I appreciate it,” Valdez said.

As they started back up the road to let the others know how to proceed, Valdez felt as if a potential disaster had been averted. “I sure am glad that you happened along, Tom,” he told Ryan. “These guys don’t take well to orders from strangers, and they don’t like law enforcement. But hey, who doesn’t love a fireman?”

“Yeah,” Ryan replied, “I don’t think that message would have been as well received from Dan or your Highway Patrol buddy. Let’s go tell everyone that it is finally time to get to work.”

In the end, the fireline cut in by the bulldozer and the strike force fire engines were able to save all of the homes and ranches in Jamison Creek. The Armstrongs were charged with multiple counts of obstructing a peace officer and are awaiting trial.

## **A. ANALYSIS**

This scenario, like the first, has illustrated the convergence of not only people and materiel but also challenges facing law enforcement, fire departments, and EMS providers in the wake of expanded gun ownership, right-to-carry, and stand-your-ground laws. This second scenario has also demonstrated the problems associated with the disaster convergence of armed individuals. In this scenario, the ranchers and neighbors of the Armstrongs represent internal convergers determined to act as helpers. It could be argued that in such a setting, these convergers initially present a high degree of legitimacy as the idea of neighbors helping neighbors is a rich tradition in America. However, the initial legitimacy of these convergers diminishes significantly when their actions interfere with the organized response efforts of proper authorities.

A second and potentially more problematic issue, implied by Kendra and Wachtendorf's thoughts on legitimacy and convergence, arises when convergers believe that the legitimacy of their actions outweighs the legitimacy of proper authorities. Such a condition is more likely to develop when convergers do not trust authorities' motivations or competency. As previously described, citizens' distrust in the motivation or competency of the authorities was likely responsible for the convergence of armed supporters to Cliven Bundy's ranch in 2014 and the decision by many New Orleans residents not to follow mandatory evacuation orders in the face of Hurricane Katrina. The problem for authorities becomes even more complex when either convergers or residents have both firearms and what they believe to be the moral high ground to resist or interfere with the government's response to crisis events. Under these conditions, it is foreseeable that gun owners' frontier mentality, bias for action, and perceived moral high ground would create a dangerous environment for public safety officers and other members of the public.

The resolution in the preceding scenario points to several possible strategic, operational, and tactical solutions to these challenges. First, by understanding and addressing the needs of residents and convergers—in this case, the rescue of the rancher's means of livelihood—the authorities were able to secure their cooperation and create a win-win resolution. Second, by having a person whom the ranchers knew and trusted present the cooperative plan, the authorities were able to dispel distrust in the authorities' motivations and competency, which may be present in many different communities. Finally, through negotiation and de-escalation, the authorities were able to avoid a violent encounter with the very people they were attempting to help.

## **B. CONCLUSION**

In summary, the expansion of right-to-carry and stand-your-ground laws in America have foundational roots in natural disasters. The government's failure to adequately or equitably respond to these disasters has added fuel to the armed-citizen movement. A poor understanding, miscommunication, and misapplication of relevant laws have impacted citizens' trust of the government and its intentions regarding gun ownership. This combination of issues has dramatically increased the probability of public safety

responders encountering armed citizens who may be distrustful of their organization's motives or abilities. The growth in the number of armed citizens has also changed the dynamic for public safety officers by further complicating their response even to routine incidents. Strategic, operational, and tactical changes in how public safety officers respond to these calls should be examined and implemented as a result of this evolving landscape.

## **VI. THE PUBLIC SAFETY RESPONSE TO CONVERGENCE AND INCREASED GUN-CARRYING IN AMERICA**

Natural and man-made disasters have altered the public safety paradigm. Hurricane Katrina and Sandy Hook changed how public safety agencies and their employees need to plan for the presence of armed citizens since initiatives such as right-to-carry and stand-your-ground laws were solidified and expanded after Hurricane Katrina. Calls for the arming of school staff after Sandy Hook continue today and, where such policies are implemented, will complicate law enforcement's job when responding to similar events.

On the surface, topics such as disaster convergence, right-to-carry/stand-your-ground, armed school staff, and man-made and natural disasters may appear disparate. However, emergency managers, public safety officials, and politicians may find themselves in situations where these issues and the policies surrounding them intersect. The scenarios contained in Chapters IV and V were designed to illustrate some of these intersections. While it may be tempting to disregard these scenarios because of differences in locale or situation, both outline issues that public safety officers experience routinely and the ways in which the combination of issues necessitates changes in public safety organizations' strategic, operational, and tactical planning.

### **A. FINDINGS**

Of the issues examined in this thesis, disaster convergence is probably the best studied. However, remarkably few planning documents appear to consider the convergence of armed citizens. These armed citizens may fit within any of Fritz and Mathewson's categories of convergers, which means they will be searching for a variety of things or conditions to meet their needs. Furthermore, these convergers will display varying degrees of legitimacy. For example, armed citizens or off-duty law enforcement may move toward the sound of gunfire, acting as helpers at the scene of a shooting. While the legitimacy of an off-duty law enforcement officer may be greater than that of a CCW holder, both are

attempting to fulfill the need for helping. Despite their varying levels of legitimacy, the presence of off-duty law enforcement and armed citizens will dramatically complicate matters for law enforcement, fire, and EMS, who must determine whether these helpers pose a threat to them.

Armed citizen intervention at mass shootings—ranging from the University of Texas in 1966 to the First Baptist Church in Sutherland Springs, Texas, in 2017—shows that armed citizens are likely to converge on violent incidents and that their assistance can help protect others at such events.<sup>277</sup> Conversely, the presence of armed supporters has complicated public safety officials' roles, causing them to postpone legitimate public safety operations or withdraw personnel due to escalated tensions, for example, the incidents at the Bundy Ranch, at Ruby Ridge, and in Charlottesville.<sup>278</sup>

Meanwhile, right-to-carry laws have led to an explosion in the number of armed citizens in the United States. The expansion of stand-your-ground laws has loosened the rules of engagement for armed citizens. Simultaneously, these laws make the investigation and any subsequent prosecution of negligent shooters difficult or impossible for law enforcement. These laws complicate law enforcement and public safety officials' jobs by increasing the number of interactions with armed individuals and the likelihood of errors in split-second decision making. Errors in this type of decision making could result in the death or injury of either law enforcement officers or otherwise law-abiding citizens.

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<sup>277</sup> On August 1, 1966, campus bookstore manager Allen Crum accompanied two Austin police officers up the steps of the clock tower at the University of Texas and assisted them in neutralizing Charles Whitman, who had already killed 16 people and wounded 30 more in what was the first mass shooting at an American university. Crum was not the only armed civilian to converge on the University of Texas that day. In November 2017, Steven Willeford used his AR-15 to wound a gunman murdering parishioners at the First Baptist Church in Sutherland Springs, TX. Willeford's intervention is credited with causing the gunman to stop shooting and attempt to escape. The wounded gunman then committed suicide.

<sup>278</sup> Ribando, Reinke, and Gorectke, "In the Crosshairs"; and Sam Jackson, "Don't Assume the Militias at the Charlottesville Rally Were White Supremacists: This Is What They Believe Now," *Washington Post*, September 8, 2017, <https://www.washingtonpost.com/news/monkey-cage/wp/2017/09/08/remember-those-militias-at-the-charlottesville-unite-the-right-rally-heres-what-they-believe/>. At each of these events, large numbers of armed supporters either directly interfered with law enforcement or made it difficult for public safety officials to determine "good guys" from "bad guys."

Public safety officials must build and maintain the trust of the jurisdictions they protect and have a solid understanding of local priorities and citizen concerns. Ignoring these problems will magnify challenges for officials during crisis events, especially since increases in gun ownership can be linked to the public perception that law enforcement and the government are ineffective.<sup>279</sup> If, for instance, crime is particularly high in an area, and the citizens begin to feel they have been ignored by law enforcement, depending on the local culture, it may be reasonable to expect armed citizens to be present or, worse yet, start taking matters into their own hands. This “trading of the police for a gun” may represent the ultimate failure of public safety organizations to earn and retain the citizens’ trust.<sup>280</sup>

Calls for the arming of school staff continue to blur the responsibilities of teachers and other educators. Proponents of such policies argue that arming school staff is an economical way to deter or respond to school shootings. Opponents of such policies question whether school staff members can attain the proper level of training to counter an armed individual safely. Additionally, these opponents raise valid concerns about the risks and liabilities that armed school staff take on themselves and bring to school districts. Finally, challenges may also exist for school districts regarding insurance and indemnification in light of proposals to arm their staff.

## **B. RECOMMENDATIONS FOR MANAGING DISASTER CONVERGENCE**

The most significant opportunity for strategic-level enhancements lies in pre-crisis event planning that accounts for the convergence of people, materiel, and information. With this in mind, public safety officials’ preplanning efforts should focus on two areas: the decentralization of emergency resources and the plans to meet the varying needs of convergers. A third consideration, directly related to but independent of convergence, is disaster communications.

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<sup>279</sup> Drake, “The Castle Doctrine,” 597.

<sup>280</sup> Drake, 595–96.

Decentralizing resources is one of the key recommendations for avoiding the congestion of vehicles, people, and resources.<sup>281</sup> For example, establishing multiple casualty collection points (CCPs), rather than just one, at the scene of an active shooter eases traffic congestion and hastens patient transportation. Such an arrangement may also facilitate more rapid triage and treatment of victims given the smaller number of patients at each collection point. Reducing the number of victims at a single CCP may also improve responders' ability to track patients and maintain accountability. Finally, such an arrangement may assist incident commanders by minimizing span-of-control issues stemming from a single but overwhelmed CCP.

Some potential disadvantages could present themselves if the decentralization of resources, such as CCPs, is not considered during strategic planning for such an event. For instance, the presence of multiple CCPs necessitates an adequate number of responders to staff them, as well as enhanced situational awareness on the part of responders as to the location and capabilities of separate CCPs. In environments where a shooter is still at large, multiple CCPs may present security issues due to a lack of available law enforcement personnel. In the end, proper prior planning will likely determine the effectiveness of the decentralization of resources in a mass casualty environment.

Addressing the needs of convergers based on the legitimacy of their purpose offers the most powerful method for minimizing and controlling convergence. For example, both the media and family members of potential victims have strong claims of legitimacy at a mass shooting. However, these two types of convergers have different needs. Using the active shooter scenario in Chapter IV as an example, incident commanders will likely benefit from preplanning of a specific location outside the disaster zone for the media to receive updates. Additionally, designating a family reunification location in a place separate from the media, and outside the disaster zone, will provide for family privacy while helping alleviate overcrowding and congestion in the disaster zone.

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<sup>281</sup> Fritz and Mathewson, *Convergence Behaviors in Disasters*, 82–83.

Public safety agency leaders will undoubtedly focus much of their attention on the target of an active shooter. However, they must also consider the security at other target hazards. Hospitals receiving victims from such an attack are likely to be overwhelmed by victims, family members, bystanders, and possibly other attackers. At the strategic level, emergency service leaders must plan for convergers at these locations as well. Possible strategic planning should include deploying law enforcement to these locations for additional security. Fire and EMS leaders should consider sending off-duty or mutual aid personnel to these same receiving facilities to assist with the treatment and internal transport of victims.

The most challenging aspect in the implementation of such plans is likely to be timing and staffing challenges. Depending on the size of the event, initial responders will likely be overwhelmed by the immediate tasks required to stabilize the incident. The overwhelming nature of the initial response to a crisis event may prevent an incident commander from having the time or resources to consider where to deploy incoming resources. Additionally, the immediate life-safety needs of the incident may leave limited personnel available to establish media and family reunification areas. By the time such personnel are available, many convergers may have already arrived on the incident. Furthermore, the very nature of convergence may prevent those designated with these responsibilities from arriving at the incident promptly due to overcrowded access points. The best way to mitigate these challenges comes in the form of strategic preplanning and the advance assignment of critical roles such as media communications and predetermined family reunification facilities.

Communications during a crisis event serve many purposes. One of the essential functions of prompt and accurate communications will be to minimize the impact of convergence. In this era of near-instantaneous communications through both social and traditional media, there are numerous outlets available to transmit information that were unimaginable to Fritz and Mathewson in 1957. However, what remains constant is the need for specific information. As such, those charged with the dissemination of information

must be both technically savvy with social media tools and empowered to have and release specific information as it becomes available. Agencies should preselect a public information officer and ensure that this individual receives the appropriate training encompassing these duties. Preplanning should entail not only who the designated public information officer is, but how he or she will be notified and by whom, and for what type of events.

At the operational level, disaster convergence can be managed by understanding not only that convergence will occur but also that the majority of human influx and outflow from disaster sites will be through “voluntary and unofficial movement”—not through means provided by the government.<sup>282</sup> Additionally, traditional methods of restricting movement within a disaster site may be invalid, doing little to stem the flow of convergers.<sup>283</sup> The establishment of decentralized triage and CCPs may serve to minimize the internal convergence of the less injured at hospitals already struggling to care for the more critically injured.

In order to reduce the number of external convergers, best practices established by authorities should eliminate the need to move toward a disaster site. Through the implementation of the communication strategies discussed above, public safety officials can begin addressing the needs of would-be convergers before they arrive. By broadcasting the locations of media staging areas, family reunification locations, and the defined perimeter of the event, officials can direct the convergence of people and materiel to designated locations and away from the disaster site. One possible example of addressing and redirecting the needs of convergers following an active shooter event is to establish an offsite location for blood or other donations. Such a location should be outside the disaster site, hospital routes from the disaster site, and the hospitals themselves.

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<sup>282</sup> Fritz and Mathewson, 79.

<sup>283</sup> Fritz and Mathewson, 76–83.

When faced with a crisis event, most public safety agencies will likely be overwhelmed during the response phase. As such, they will likely have to rely on mutual aid compacts. Examples of this include fire, EMS, and law enforcement assistance from neighboring cities and towns. Additional examples may include assistance from street/traffic departments, public health departments, and state or federal law enforcement agencies. This expanded response framework will likely introduce new players to the scenario at the least opportune time. As such, these responders may be unfamiliar with local policies and procedures and local organizational structures. Disaster planners may best mitigate these challenges during preplanning events such as drills and table-top or functional exercises. One resource for building these relationships is through active participation in local emergency planning commissions or similar “whole community” planning groups in addition to discipline-specific groups such as fire-councils or law enforcement task forces.

At the tactical level, convergence must not only be considered but managed. Using the previous active shooter scenario, law enforcement officers who are not directly involved in the delivery of emergency services, such as those from outside jurisdictions, should be used to secure site perimeters or reinforce other security assets at critical infrastructure such as hospitals. Fire and EMS personnel responding from other agencies or who are off duty should be deployed to CCPs, triage areas, or hospitals, especially when the number of casualties exceeds local resources. The implementation of a well-organized staging area for ambulances, buses, or other means of transportation for the injured should be considered essential. Finally, the realization by responders that many of the victims of mass casualty events will self-refer to medical facilities should deter the need to stop those fleeing the disaster site.

Table 1. Managing Disaster Convergence

| Recommendations             | Responses  |
|-----------------------------|--|
| Strategic Recommendations   | <ul style="list-style-type: none"> <li>• Anticipate the influx of people, materiel, and information in disaster preplanning.</li> <li>• Recognize the varying needs of convergers. Make plans to address these needs.</li> <li>• When possible, preplan for the decentralization of critical resources such as triage and field-care facilities.</li> <li>• Preplan disaster communication procedures. Designate a social-media savvy PIO in advance.</li> </ul>   |
| Operational Recommendations | <ul style="list-style-type: none"> <li>• Locate media areas outside the disaster zone but, when possible, in such a location where the media can observe the disaster.</li> <li>• Locate the family reunification facility outside the disaster zone and separate from the media reporting area.</li> <li>• Recognize that the majority of internal convergence will occur outside official channels or means.</li> <li>• Establish a clear means of identifying legitimate personnel entering or within the disaster zone.</li> </ul> |
| Tactical Recommendations    | <ul style="list-style-type: none"> <li>• Consider directing converging law enforcement officers to perimeter security and infrastructure (e.g., hospital or another soft target) protection.</li> <li>• In mass casualty incidents, consider directing converging fire/EMS personnel to hospital/triage-treatment-transport facilities.</li> <li>• Establish and maintain clear routes for emergency vehicles.</li> <li>• Disseminate information promptly and frequently, even if information is not complete or verified.</li> </ul> |

### C. RECOMMENDATIONS FOR INTERACTING WITH ARMED CITIZENS

The interaction between public safety officers and armed citizens is another area that can likely be improved by preplanning and effective strategic communication. Wood asserts that for law enforcement and public safety agencies, the most challenging adjustments in interacting with armed citizens will be at the strategic level, and improvements may only come from a cultural change in those agencies.<sup>284</sup> An example of strategic messaging that has likely fostered gun owners' distrust in government comes from Chief Michel Moore of the Los Angeles Police Department (LAPD). Chief Moore recently moved to revoke a handful of Los Angeles residents' CCW permits granted to them under the terms of a lawsuit in 1994.<sup>285</sup> Chief Moore's actions are in stark contrast to those of Chief Joseph P. LaSata of the city of Rockledge, Florida. Under Chief LaSata, the Rockledge Police Department has developed a strategic messaging document for CCW holders that not only affirms the rights of Florida citizens possessing CCWs but acknowledges the many requirements that Florida citizens undergo to be licensed.<sup>286</sup> Furthermore, Chief LaSata has provided CCW holders with insight into the dangerous jobs that law enforcement have as they pertain to interacting with armed citizens as well as proactive advice for how to safely and politely interact with law enforcement officers.<sup>287</sup>

These two polar approaches send very different messages to armed citizens. The approach of the LAPD and Chief Moore likely create an adversarial environment for armed citizens in these communities and do little to encourage responsible gun ownership. Conversely, Chief LaSata's approach at least sends a message acknowledging the realities

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<sup>284</sup> Mike Wood, personal communication, March 29, 2019. Wood believes that in the past, some police agencies trained their personnel to perceive only two types of people with firearms: criminals and the police. He also believes that this distinction has created a culture of "exclusivity" for law enforcement officers with regard to firearms. Until a cultural change is made within these organizations, Wood has reservations about such agencies having the capacity to adopt SOPs, tactics, and training to accommodate the presence of lawfully armed citizens.

<sup>285</sup> Eric Leonard, "LAPD Asks to Cancel Citizens' Concealed Weapons Permits," NBC Southern California, March 28, 2019, <https://www.nbclosangeles.com/investigations/LAPD-Asks-to-Cancel-Citizens-Concealed-Weapons-Permits-507815711.html>.

<sup>286</sup> Joseph P. LaSata, "Law Enforcement Interactions with Florida Concealed Weapon and Firearms License Holders" (Rockledge, FL: Rockledge Police Department, 2019), <https://www.cityofrockledge.org/DocumentCenter/View/2451/Law-Enforcement-Interactions?bidId>.

<sup>287</sup> LaSata.

of shall-issue Florida while providing actionable advice to gun owners to enhance their safety and that of any law enforcement officers with whom they may come into contact. Regardless of one's opinion on concealed firearm practices, Chief Moore's attitude toward legacy CCW licensees casts doubt on the likelihood of operational or tactical initiatives being implemented in the LAPD to effectively communicate with CCW holders or the gun-owning public at large. Positive strategic messaging, such as that of Chief LaSata, should be considered by other law enforcement agencies, especially those in shall-issue and constitutional-carry states that require no permit or license whatsoever to possess a concealed weapon.

Public safety agencies have a strong history of community outreach to diverse enclaves within them. Public safety agencies should consider treating gun-owners the same way they do racial or ethnic subsets in their respective communities. Community-based participatory research (CBPR) is a methodology already employed by many public safety agencies that could be adapted to increase communication with firearm owners.<sup>288</sup> Traditionally, CBPR efforts may take the form of community advisory boards where cultural knowledge is imparted and transparency is demonstrated.<sup>289</sup> CBPR is different from other methodologies in that it “fosters social change.”<sup>290</sup> By utilizing CBPR or other community policing strategies with gun owners, public safety agencies can build bonds of trust with gun owners. Public safety agencies should engage the gun-owning community to better understand the incidence of local gun ownership and the motivational factors behind it. This engagement will help agencies build plans for how to best interact with gun owners.

If these concepts are taken to the next level, law enforcement agencies may opt to participate actively in the education of CCW permit applicants and establish a presence at local gun clubs and organized shooting events. Fire departments and EMS agencies could likewise build relationships with the gun-owning public by offering first aid classes

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<sup>288</sup> Cordasco et al., ““They Blew the Levee,”” 280.

<sup>289</sup> Cordasco et al., 280.

<sup>290</sup> Cordasco et al., 280.

specific to gun-owners such as stop-the-bleed trauma care at similar events.<sup>291</sup> By involving themselves with the gun-owning community, law enforcement and other public safety officers can demonstrate that they are not the enemy of CCW permit holders and dispel further notions of distrust in the government that these citizens may harbor. This enhancement of relations between both parties may create the two-way information network that other community policing initiatives have created in different communities.

Now more than ever, responders need to anticipate the presence of armed citizens while responding to calls. Like law enforcement, fire and EMS officers should couple this understanding with a firm understanding of local, state, and federal gun laws to provide responders with appropriate legal boundaries for their actions. Remaining aware and respectful of these laws may be one of the best ways for law enforcement and emergency services personnel to earn and retain the citizens' trust. Furthermore, all public safety officers should understand the climate surrounding guns in their operational area. As the news headlines demonstrate daily, there is a significant difference in each of these factors from urban Los Angeles to rural Colorado.<sup>292</sup>

Awareness of the growing numbers of good guys with guns should drive a training regimen on how to identify and communicate with armed citizens during a violent incident. For example, encountering an armed individual displaying safe gun-handling techniques may indicate a level of training that would be uncommon for a criminal. The presence of a handgun holster or a spare magazine may likewise be indicative of a trained CCW holder. The reactions of bystanders to an armed individual can likewise provide insight into the armed individual's intent. While none of these individual factors rules out criminal intent, the totality of the circumstances will likely provide public safety officers with valuable information regarding the individual's intentions.

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<sup>291</sup> Stop-the-bleed trauma care is a grassroots educational campaign that trains bystanders to minimize bleeding in trauma victims before first responders arrive.

<sup>292</sup> Leonard, "LAPD Asks to Cancel Citizens' Concealed Weapons Permits"; and Daniel Trotta, "Defiant U.S. Sheriffs Push Gun Sanctuaries, Imitating Liberals on Immigration," Reuters, March 5, 2019, <https://www.reuters.com/article/us-usa-guns-sanctuary-idUSKCN1QL0ZC>.

Fire and EMS responders should likewise understand that the presence of an armed citizen does not necessarily indicate hostile or criminal intentions. Quite possibly, reacting to armed citizens in such a manner could unintentionally escalate a situation or create a counter-productive division between patient and health care provider. In the end, regardless of one’s opinion about right-to-carry or stand-your-ground laws, the principles of trust between gun owners and public safety officers are the same as they would be with any other community.

Table 2. Public Safety Agency Interactions with Armed Citizens

| Recommendations             | Responses  |
|-----------------------------|--|
| Strategic Recommendations   | <ul style="list-style-type: none"> <li>• Perform a cultural evaluation of agency and community opinions on armed-citizen issues such as right-to-carry and stand-your-ground.</li> <li>• Develop a specific policy for interacting with armed citizens.</li> <li>• Consider implementing a strategic messaging program to communicate with armed citizens.</li> </ul>  |
| Operational Recommendations | <ul style="list-style-type: none"> <li>• Incorporate armed-citizen interactions in table-top and functional exercises.</li> <li>• Develop and implement community-based policing initiatives targeted on the gun-owning community.</li> <li>• Develop and deliver an “interacting with the police” educational program to be delivered at CCW training events.</li> <li>• Develop and implement stop-the-bleed or CPR classes for focused delivery to the gun-owning community.</li> </ul> |
| Tactical Recommendations    | <ul style="list-style-type: none"> <li>• Ensure that public safety officers are educated in applicable gun-related local, state, and federal laws and are committed to upholding citizens’ rights.</li> <li>• Incorporate armed-citizen identification/interaction scenarios during ongoing training evolutions.</li> </ul>  |

#### **D. RECOMMENDATIONS FOR IMPLEMENTING ARMED SCHOOL STAFF**

At the strategic level, school district officials and parental organizations have some tough decisions to make about how best to secure their schools. Certainly, a trend has been to harden school facilities with added security such as video cameras, metal detectors, and locked facilities.<sup>293</sup> Other options have historically included the implementation of armed law enforcement or private security on school grounds.<sup>294</sup> However, both Columbine High School and Marjorie Stoneman High School employed varying levels of these security measures with little success.<sup>295</sup> Unfortunately, there is no consensus on the efficacy of arming schools.<sup>296</sup>

One thing does seem clear: the armed school-staff debate is here to stay. School districts considering such a policy must have open discussions with all stakeholders, especially law enforcement—who will likely play a vital role in the training of school staff if such a policy were to advance. The application of Jones’s Risk Acceptance Matrix and Decision Framework for Determining Concealed Weapons Policy in California K-12 Schools should provide excellent guidance for school districts considering such an option.<sup>297</sup> These tools will allow those in leadership positions to make educated decisions on risk acceptance and policy matters should they choose to move forward with arming staff members. By introducing this information during the planning phase, public safety agencies can actively engage stakeholders while providing jurisdiction-specific input such as legal considerations and agency response protocols. This interaction will undoubtedly form the basis for operational and tactical procedures that should follow. These tools may

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<sup>293</sup> DeMitchell, “Locked Down and Armed,” 284–85.

<sup>294</sup> Kupchik, Brent, and Mowen, “The Aftermath of Newton,” 1118; and David Moye, “Florida School Hires Combat Veterans to Patrol Campus to Prevent Mass Shootings,” *Huffington Post*, February 11, 2019, [https://www.huffpost.com/entry/florida-school-combat-veterans-mass-shootings\\_n\\_5c61fae8e4b028d543170018](https://www.huffpost.com/entry/florida-school-combat-veterans-mass-shootings_n_5c61fae8e4b028d543170018).

<sup>295</sup> Kupchik, Brent, and Mowen, “The Aftermath of Newton,” 1118; and Rogers et al., “Is Arming Teachers Our Nation’s Best Response?,” 862.

<sup>296</sup> Winston, “Equipping Teachers with Firearms,” 5; and Rostron, “School Shootings and the Legislative Push,” 453.

<sup>297</sup> Jones, “Armed to Learn,” 61–66.

prove to be useful not only for schools but for other organizations such as churches or businesses that are considering arming members of their staff.

The challenges faced by public safety officers who are responsible for protecting schools or other infrastructure defended by a cadre of armed civilians are extensions of the challenges faced in working with armed citizens. At the strategic level, public safety organizations need to take an active role in the development and implementation of such programs.

Critics and proponents of arming school staff cite training as the most important factor in implementing an armed school staff program.<sup>298</sup> School systems that choose to implement an armed staff program need to build strong relationships with law enforcement to assist them in the training of staff. When possible, simulation-based training should be incorporated in addition to basic gun handling and fixed target shooting. Law enforcement organizations may already possess the equipment to facilitate this type of training and will be invaluable to schools pursuing an armed-staff program. Regardless of what type of training is implemented, strong law enforcement relationships, developed in advance of an incident, can provide both school staff and law enforcement foundational relationships necessary to work together through an understanding of each party's roles, responsibilities, and capabilities.

Similar to the manner that fire departments conduct business inspections, law enforcement needs to conduct site surveys of target hazards and help either to establish or to train in-house security teams. Fire and EMS agencies should also consider the development and implementation of stop-the-bleed or tactical emergency casualty care first-aid classes, focusing specifically on the types of injuries that stem from active shooter incidents. Not only should all responders be trained in such measures, but these courses should also be offered to the staff of target hazards, such as schools and arenas, and be made available to the public at large. Table-top and functional exercises provide additional opportunities for both responders and armed staff members to test and evaluate their plans and to develop a high degree of trust in each other. The participation of standard patrol

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<sup>298</sup> Winston, "Equipping Teachers with Firearms," 43; and Weatherby, "Opening the 'Snake Pit,'" 141.

officers, not just highly trained SWAT officers, will increase the realism of such exercises and may reveal true gaps in the knowledge and training of responding personnel.

Training, communications, and mutual understanding should form the basis for operational considerations at facilities with armed civilian staff members. Where possible, public safety agencies should attempt to deliver discipline-specific training to these staff members. This training could be as in-depth as simulation-based firearm training and first-aid training or as simple as training for safety and security inspections of facilities. Whatever the intensity of the training, the purpose is for both responders and armed staff members to learn as much as possible about each other's capabilities, roles, and responsibilities.

The success of tactical operations at facilities with armed staff members will most likely depend on the successes or failures occurring at the strategic and operational levels. It is unrealistic for either party to expect good outcomes from poorly conceived or poorly implemented policies. Tactical considerations, therefore, should focus on the consistent application of policies and procedures developed before a violent incident. Settings where armed staff members and public safety officers meet for the first time with guns drawn and tensions elevated would appear to be the most dangerous type of interaction and a recipe for disaster. Proactive public safety officials should do everything in their power to prevent this scenario from unfolding.

In schools where armed staff and SROs are present, it will be critical for the SRO to know who is armed, where they are located, what the deployment arrangement is—either defensive, shelter in place or offensive, move to the sound of gunfire—and what the activation criteria are for an armed staff member. Ideally, the SRO and all armed staff members will have trained together. Plans must also include how armed staff can communicate safely and efficiently with responding law enforcement agencies, especially in the absence of a sworn SRO. Equally important is the implementation of a code-word, visual means of identification, or other ways for armed school staff to safely identify themselves to law enforcement and emergency service personnel.

Table 3. Assisting with an Armed School Staff Program

| <b>Recommendations</b>      | <b>Responses</b>   |
|-----------------------------|--|
| Strategic Recommendations   | <ul style="list-style-type: none"> <li>• Form a strong relationship with a prospective school district early in its examination of an armed-staff policy.</li> <li>• Assist with a cultural and risk assessment of prospective school districts and the community.</li> <li>• Apply Jones’ Decision Framework to assessment outcomes.</li> </ul>   |
| Operational Recommendations | <ul style="list-style-type: none"> <li>• Assist with training of armed staff members.</li> <li>• Incorporate situation-based training using simulated munitions in addition to static range-based weapons training.</li> <li>• Deliver facility-focused stop-the-bleed and CPR training to all staff members.</li> <li>• Conduct table-top and functional exercises with line law enforcement officers, not just SWAT.</li> </ul>        |
| Tactical Recommendations    | <ul style="list-style-type: none"> <li>• Identify armed school-staff members and maintain a working relationship with them.</li> <li>• Define armed-staff response expectations (defensive only or defensive/offensive).</li> <li>• Establish an interoperable communications system with school staff, especially armed school staff.</li> <li>• Implement visual and audible identification friend-or-foe (IFF) procedures.</li> </ul> |

## E. CONCLUSIONS

In conclusion, natural and man-made disasters, such as Hurricane Katrina and Sandy Hook, have altered the nature of gun ownership in America. Events such as these have created and expanded gun-related phenomena such as right-to-carry and stand-your-ground laws. They have also decreased the public’s trust in all levels of government to protect them, thereby encouraging more and more Americans to buy guns and obtain CCW permits. When these trends are factored into known disaster responses, such as that of convergence, the roles and responsibilities of public safety agencies including law

enforcement, fire, and EMS become more complicated and potentially more dangerous than ever before.

Forward-thinking public safety leaders must consider how to implement strategic, operational, and tactical changes in response to these gun-related changes in America. What these changes will be and how they will be implemented will almost certainly depend on the underlying culture of each jurisdiction. In areas where stringent gun laws may restrict the public from frequently possessing, carrying, and using firearms, officials must at least understand these trends and be prepared to respond to them within their context. In suburban or rural areas or locales with few firearm restrictions, public safety officials must not only recognize gun-related changes in culture but preferably find proactive measures to work with gun owners, not against them—to better develop trust and dispel suspicion.

This thesis has focused primarily on the evolution of armed citizens and their interaction with public safety officers armed during crisis events. Future work in the area of convergence of armed individuals to crisis events should address policies and procedures for safe and effective deployment of uniformed and plain-clothes armed public safety officers. Another possibility for future research in the area of armed school staff would entail a study of students' and parents' perceptions of the impact of armed SROs, school guards, or armed staff on the educational environment.

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