



SAFE ARIZONA SCHOOLS

*An Action Plan to Enhance the Safety of
Arizona Schools and Communities*

In the first two months of 2018, **14** school shootings occurred in the United States — from elementary schools to college campuses.

The most deadly took place on February 14, 2018 in Parkland, Florida, when a gunman killed **17** students and faculty and injured **14** others.

The incident is fresh in the minds of Arizona parents each day as they drop their children off at school.

We must take swift and decisive action to increase the safety of our schools and our communities. From enhancing background checks, implementing safety protocols and law enforcement at schools, and ensuring those who are a danger to themselves and others are evaluated and prohibited from possessing firearms.

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ARIZONA SCHOOLS ARIZONA COMMUNITIES

Arizona Solutions

In the days following the February 14, 2018 shooting in Parkland, Florida, the nation's urgency to take action and protect our schools and communities intensified.

Governor Ducey heard from Arizonans across the state, urging action and asking for an opportunity to propose Arizona based solutions. The governor convened stakeholder meetings with:

- ➔ Students
- ➔ Parents
- ➔ Teachers
- ➔ School Administrators
- ➔ Arizona Attorney General
- ➔ Behavioral and Mental Health Professionals
- ➔ Law Enforcement Officers
- ➔ County Prosecutors
- ➔ Democrat and Republican Legislators
- ➔ Arizona Superintendent of Public Instruction

ARIZONA PRIORITIES

As Arizonans shared their priorities during the stakeholder process, common themes were identified, including an urgency for:

- ➔ Increased mental and behavioral health resources at schools
- ➔ Restricting access to firearms for individuals who pose a severe threat to themselves or others, while respecting the second amendment rights of law-abiding Arizonans
- ➔ Increased school resource officer and law enforcement presence at schools
- ➔ Enhanced background checks

THE PLAN

Our proposal includes initiatives that are responsive to the priorities of Arizonans.

- ➔ Invests in mental and behavioral health resources at schools
- ➔ Severe Threat Order of Protection (STOP) to restrict firearm access for individuals who are a danger to themselves or others
- ➔ Enhances background checks by improving the completeness and accuracy of the criminal history database
- ➔ Establishes the Center for School Safety, creating a confidential, centralized reporting tip line to report and investigate concerns of school safety
- ➔ Increases school resource officer funding and training and increases the presence of law enforcement on school grounds
- ➔ Eliminates background check gaps
- ➔ Respects the second amendment rights of law-abiding Arizonans



LEARNING FROM HISTORY Deadliest School Shootings in the Last 20 Years

As we look to shape the future and improve the safety of Arizona schools and communities, we must reflect and learn from the tragic events in our nation’s history. The following review of the five deadliest school shootings in the last 20 years in the United States, includes a look at whether our proposal could help prevent or mitigate a similar event in our state.

Incident	Details	Our Plan: Severe Threat Order of Protection	Our Plan: Enhanced School Safety	Our Plan: Enhanced Background Check
Virginia Tech Blacksburg, Virginia April 16, 2007 Deaths: 32	A 23-year-old student, killed 33 students and faculty members and injured 23 others in two separate attacks before committing suicide.	✓ The shooter had previously been diagnosed with a severe anxiety disorder. After an investigation into allegations he was stalking two female students, a Virginia special justice declared him mentally ill and ordered him to attend treatment; however, because he was not institutionalized, he was still allowed to purchase firearms.		✓ Prior to the incident, a judge declared the shooter a danger due to mental illness, but the information was never entered into the federal background check database.
Sandy Hook Elementary School Newtown, Connecticut December 14, 2012 Deaths: 27	A 20-year-old shooter killed his mother at their shared home before taking her guns and driving to the school and murdering 20 first-grade children and six adults, including four teachers, the principal, and the school psychologist. He then killed himself as police arrived at the school.	✓ In a report issued by the Connecticut Office of the Child identified the shooter was on a “path to violence for some time”. School administrators identified troubling signs at an early age. While his mother may have indicated worry to friends, she never reported the concerns to law enforcement.	✓ Event took place on a school campus. Our plan includes increased law enforcement, mental and behavioral health resources.	
Marjory Stoneman Douglas High School Parkland, Florida February 14, 2018 Deaths: 17	A 19-year-old former student of the school killed 17 students and faculty members and injures 4 others. He is currently being held in custody after being indicted by a grand jury indicted on 17 murder and 17 attempted murder charges.	✓ Police were called to the shooter’s home 39 different times during a 7 year period. He was reported to the FBI for comments he made online. He also made threats to attack the school in 2016, and was caught with a gun-related object in his backpack.	✓ Event took place on a school campus. Our plan includes increased law enforcement, mental and behavioral health resources.	
Columbine High School Littleton, Colorado April 20, 1999 Deaths: 13	Two students, an 18-year-old and a 17-year-old opened fire at their high school, killing 12 of their fellow students and one teacher. The two committed suicide in the school library.	✓ One of the shooters made detailed threats to beat up and blow up a fellow student. The local sheriff was called to his home, where they discovered a pipe bomb. The information was relayed to school administrators, but the matter was not looked into further.	✓ Event took place on a school campus. Our plan includes increased law enforcement, mental and behavioral health resources.	
Umpqua Community College Roseburg, Oregon October 1, 2015 Deaths: 9	A 26-year-old man killed 9 people and injured 9 others. After a shootout with local authorities, the gunman walked into a classroom and committed suicide.	✓ The shooter had been voluntarily hospitalized for mental health reasons. His mother spoke of his anger and mood swings.		

LESSONS LEARNED Deadliest School Shootings in the Last 20 Years



Warning Signs

In 5 out of 5 of the most deadly school shootings, the killers displayed warning signs of being a potential threat to themselves or others.

This stunning fact illustrates the need for a legal tool to keep firearms out of the hands of dangerous individuals.



School Safety Vulnerabilities

The shooting at Marjory Stoneman Douglas High School exposed a number of vulnerabilities in the school's safety measures.

Schools have a need for increased emergency preparedness training.

Most states lack a confidential, centralized reporting system to report potential school safety threats.



Background Check Gaps

The Virginia Tech shooting exposed significant flaws in the background check process. A judge declared the shooter a danger due to mental illness prior to the incident, but because of gaps in reporting, the information was never entered into the National Instant Criminal Background Check System (NICS).

While the information reported to NICS has since expanded to include mental illness in many states (including Arizona), there are often delays in reporting incidents in the database, resulting in background checks based on outdated information.

SEVERE THREAT ORDER OF PROTECTION (STOP)

Prohibiting Access to Firearms for Individuals Who Are a Danger to Themselves or Others

We've all heard the phrase, "See something, say something," but for too long the ability to *do something* and keep a person from having a firearm if they are a severe threat to themselves or others has been critically limited.

A key component of our plan is the implementation of a Severe Threat Order of Protection (STOP) order. A STOP order will allow law enforcement or other specific individuals to seek an order prohibiting ability to purchase or access a gun if the person poses a significant threat to themselves or others.

2011 Tucson Shooting: A Severe Threat, Severely Overlooked

On January 8, 2011, a gunman approached a "Congress on Your Corner" event in Tucson, Arizona led by Congresswoman Gabby Giffords. The event was well-attended, with 20-30 people at a grocery store parking lot where the meeting took place. The gunman approached Giffords, shooting her with a pistol before opening fire on the crowd. Six people were killed and 13 others were wounded.

Prior to that horrific incident, the gunman was dismissed from Pima Community College pending a mental health evaluation — something he never completed. His parents had taken away his shotgun and would take his keys at night, fearing that he was a danger to himself and others.

CURRENT LAW

Individuals who either suffer from mental illness or appear to be a danger to themselves or others are not necessarily prohibited from purchasing or accessing a firearm. The individual's ability to purchase a weapon is only removed if the person is *involuntarily* committed for mental treatment.

Currently, there is no provision in state law that would allow someone to seek an order prohibiting the purchase or possession of guns for fear that someone is a general danger to themselves or others.

OUR PLAN: PROTECTING AGAINST A SEVERE THREAT

Our plan would allow law enforcement, family members, school administrators, teachers, resident advisors and behavioral and mental health professionals to petition the court for a STOP order, which prohibit an individual who is a danger to themselves or others from purchasing a weapon.

Our plan protects a person's rights under the second amendment by ensuring due process prior to an order going into effect. The plan also includes measures to ensure a person under a STOP order does not have *access* to a firearm.

HOW IT WORKS

The process for obtaining a STOP order includes a series of due process protections for the subject of petition. The petition is only granted upon an order from the superior court or by the juvenile court if the subject of the petition is younger than 18 years old. There are three different types of STOP orders a judge may impose.

EMERGENCY STOP ORDER

Who Can File A Request for an Order?

Law enforcement only.

What is the evidentiary standard?

Probable Cause: Information to justify the belief that the person is a danger to self or others.

If the court determines the evidence exists, it will order a screening for mental illness, behavioral health issues and drug use.

After the evaluation a judge will determine based on the results of the evaluation whether the subject should be ordered to undergo treatment and a STOP order shall be granted.

How long is the order valid for?

14 days, unless extended

EX-PARTE STOP ORDER

Who Can File A Request for an Order?

Guardian, immediate family member, law enforcement, school administrator, teacher, resident advisor, social worker or a behavioral and mental health professional.

What is the evidentiary standard?

Clear and Convincing Evidence: Proof that exhibits *substantially* more than a 50% likelihood of a severe threat.

If the court determines the evidence exists, the subject of the order will be taken to court for an opportunity to dispute the findings of the ex-parte hearing. If the order is upheld, the person will be required to submit to an evaluation for mental or behavioral health or drug use. Once the order is in place, the person will be prohibited from purchasing or possessing firearms for up to 21 days.

How long is the order valid for?

21 days, unless extended.

STOP ORDER EXTENSION

Who Can Request an Extension?

Guardian, immediate family member, law enforcement, school administrator, teacher, resident advisor, social worker or a behavioral and mental health professional.

What is the evidentiary standard?

Clear and Convincing Evidence: Proof that exhibits *substantially* more than a 50% likelihood of a severe threat.

A hearing may be requested by the subject of the order through a written request.

Request to Quash Order

In addition to the initial due process hearing, a subject of a STOP order may request one hearing at any point during the duration of the order to request that it be quashed.

How long is the order valid for?

Up to 6 months beyond the initial STOP order end date, based on evidence provided in support of the extension.

SURRENDERING WEAPONS

The subject of a STOP order must surrender their weapons within 24 hours of the issuance of the order, or law enforcement has the authority to confiscate the weapons. Any household member or guardian in the case of a minor, must submit an affidavit that the subject of the STOP order will not have access to firearms. Violators are subject to a Class 4 Felony, and would face a minimum of one year or up to 3.75 years in prison. STOP orders will be reported to law enforcement and the department of public safety for addition into the National Instant Criminal Background Check System (NICS) which is the system that is queried when a person attempts to purchase a firearm

ACCOUNTABILITY — FALSE PETITIONS

An individual who makes a false sworn statement for purposes of obtaining a STOP order is subject to a Class 5 Felony, and faces a minimum of six months or up to 2.5 years in prison.

SAFE SCHOOLS

Arizona students have the right to feel safe in their classrooms, and parents deserve peace of mind that their children are protected.

A NEED FOR INCREASED MENTAL HEALTH AND LAW ENFORCEMENT PRESENCE

On February 14, 2018, a former student of Marjory Stoneman Douglas High School in Parkland, Florida, opened fire on the campus and killed 17 people. During the shooting, the school safety officer never went inside the building to confront or stop the gunman.

In this tragic event, the FBI admitted to not following protocol and failing to act on tips from their Public Access Line indicating that the gunman was a potential threat. The gunman also reportedly had dozens of run-ins with law enforcement dating back to 2010 and was expelled from Marjory Stoneman in 2017 for disciplinary issues.

CONFIDENTIAL, CENTRALIZED REPORTING

It is clear from this shooting in Florida that a uniformed and cohesive reporting process is needed to report threats to schools. We want to be sure that when people “see something” and “say something” that these tips do not slip through the cracks. That is why our plan calls on the Department of Public Safety (DPS) to create the Center for School Safety at the Arizona Counter-Terrorism Information Center (ACTIC) to serve as the central tip line for reporting school safety concerns. The plan will recommend the tip line be included on all student’s school identification cards. ACTIC will then share information they receive with schools.

ENFORCEMENT PRESENCE ON CAMPUSES

To ensure resource officers have proper training, our plan would provide training resources and improved access to funding.

A voluntary program would be created allowing local law enforcement to complete administrative tasks such as paperwork on a school campus or in their vehicle outside of the campus. This would include law enforcement that do not work at the school to help increase deterrents to school violence and potentially decrease response time. In addition, the plan would create an optional reserve system of former law enforcement officers that would be trained and certified to carry firearms on campus.

There would also be a new investment in law enforcement training for active shooter situations at a school.

SCHOOL EMERGENCY PREPAREDNESS

DPS will work with school districts and local law enforcement to develop School Safety Standards that would establish best practices on how to make campus facilities more secure and how to effectively work with law enforcement in the event of an active shooter.

The plan also calls for additional lockdown training at schools and creates clear procedures that differentiate between active shooter drills versus fire drills.

MENTAL AND BEHAVIORAL HEALTH SUPPORT

Being able to identify and knowing how to respond to signs of mental illness is critical in the effort to prevent school shootings. This plan provides Mental Health First Aid Training for teachers and administrators to give them the tools they need to identify, understand and respond to signs of mental illness that may cause concern.

MAJOR INVESTMENT IN BEHAVIORAL AND MENTAL HEALTH RESOURCES

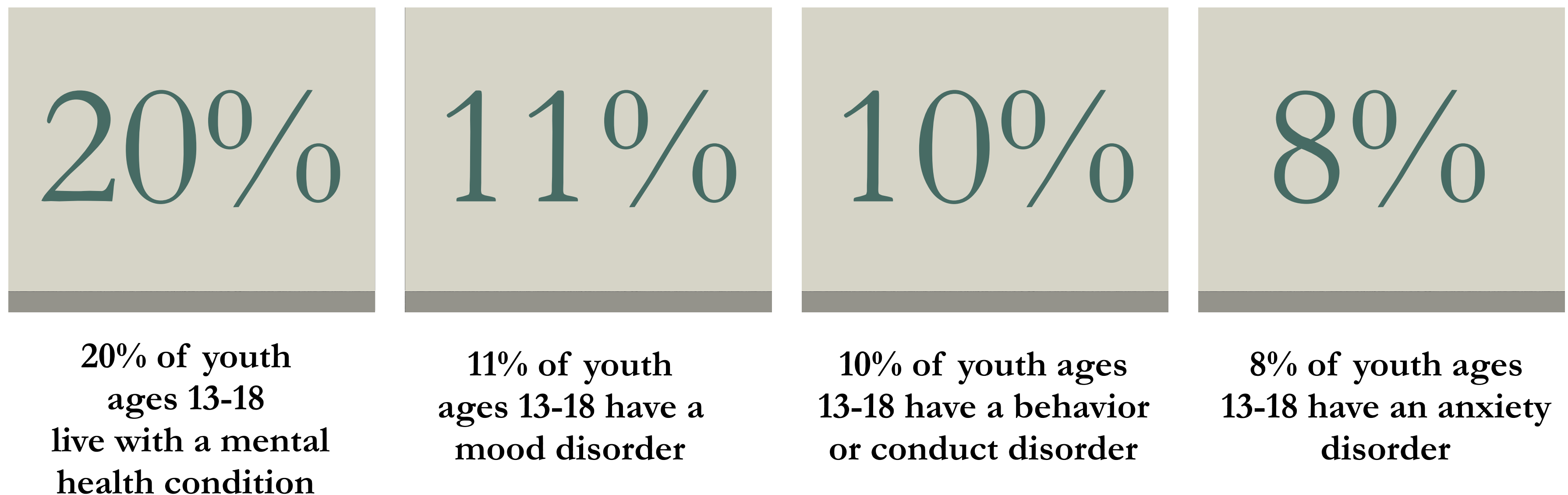
A student's mental and behavioral well-being is paramount to their success. Behavioral and mental health counselors are vital resources for children as they navigate school life.

Behavioral and mental health also play an important role in prevention and early intervention of behavioral and mental health issues. Early intervention measures can help address challenges before they escalate into dangerous circumstances.

Early intervention and behavioral health services are covered by AHCCCS and KidsCare for families at or below 200% of the federal poverty level (\$50,200 for a family of 4). To increase behavioral and mental health resources on campuses across the state, this plan provides \$2 million appropriation, along with an estimated additional \$6 million match in federal funding.

CHILDREN AND TEEN MENTAL HEALTH FACTS

Source: National Alliance on Mental Illness via the National Institute of Mental Health



SAFE COMMUNITIES

To keep our communities safe, we need to give community members more tools with which to identify potentially violent and dangerous individuals.

CRIMINAL HISTORY DATABASE GAPS

In the fifth-deadliest mass shooting in American history, a 26-year old man killed 26 people and wounded 20 others when he opened fire during a church service in Sutherland, Texas.

Prior to the shooting, the gunman was court-martialed while serving in the Air Force for assaulting his wife and stepson. Yet, his history of domestic violence never made it into the federal background check database, allowing him to purchase four firearms including the semi-automatic rifle used in the shooting.

MEANINGFUL BACKGROUND CHECKS

Background checks are only as effective as the completeness and accuracy of the records used to populate the background check database.

Arizona law enforcement agencies are required to submit case information to the Department of Public Safety's Computerized Criminal History system, which populates the background check system. Types of arrests required to be reported include felonies, driving under the influence, and sexual and domestic violence. Consistent with a statewide commitment to public safety, many agencies across Arizona exceed the statutory mandate and submit case information for all felony and misdemeanor arrests.

INCOMPLETE CRIMINAL HISTORY DATABASE

Arizona's Computerized Criminal History Database is just 63.6% complete, based on a review by the Arizona Criminal Justice Commission of 2015 criminal history records — due in large part to antiquated paper filing systems. In a 2012 study conducted by the United States Government Accountability Office, 30 states reported that the completeness of their criminal records was less than 75%.

OUR PLAN

Our plan allocates funds to update the Arizona Computerized Criminal History database, to establish online portals for all Arizona counties to facilitate electronic submission of criminal history information. Once the portal is deployed in a county, and after a 30 day implementation period, the county authorities will be required to submit criminal history entries within 24 hours — one of the most aggressive standards in the nation.

This will greatly enhance the completeness and accuracy of Arizona's criminal database and strengthen the reliability of background checks — keeping individuals with a history of violence, like the Sutherland shooter, from obtaining firearms.



Current requirement for law enforcement agencies to enter a record in the criminal history database



The requirement following the deployment of an improved criminal history database program

CHILD FIREARM ACCESS PREVENTION AND ACCOUNTABILITY

Responsible gun ownership must include preventing access to minors. Our plan increases the penalty for any parent or guardian of a minor found guilty of illegally possessing a firearm. Violators are subject to a Class 4 Felony, and would face a minimum of one year or up to 3.75 years in prison.

CONCEALED CARRY WEAPON IMPROVEMENTS

Current Law

Federal law allows individuals to use a valid concealed carry weapon (CCW) permit in lieu of a national background check when purchasing of a gun. CCW permits expire after five years and can be suspended or revoked by DPS. However, current licensed gun dealers have no means of determining the validity of CCW permits, meaning an individual with a revoked or suspended CCW permit can still purchase a firearm from a licensed dealer by showing a physical permit that cannot be verified by dealers.

Solution

The current CCW database exists on an outdated system with minimal capabilities. Our plan allocates funds to move the current database into the 21st century by implementing a web-based CCW permit system.

Licensed gun dealers can access the web-based database to verify CCW permits. An individual with an invalid CCW permit would need to complete a federal background check before being able to purchase a gun.

DENYING CCW PERMITS FOR INDIVIDUALS WITH OUTSTANDING ARREST WARRANTS

Current Law

Federal law prohibits a “fugitive from justice” from possessing a firearm. Under this law, Arizona has long denied concealed carry weapon (CCW) permits and firearm transfers to Arizonans who are the subject of an outstanding warrant.

In February 2017, the federal government changed “fugitive from justice” to include only those individuals who are actively evading law enforcement, halting Arizona’s long-standing practice of denying CCW permits and firearm transfers to Arizonans with an outstanding warrant for their arrest.

Solution

Our plan amends Arizona state statute to allow for the continued practice of denying CCW permits and firearms transfers to Arizonans who are the subject of an outstanding warrant.

INCREASED ACCOUNTABILITY FOR RESTORATION OF GUN RIGHTS

Current Law

In Arizona, an individual can petition to have a felony conviction “set aside” from their personal record. When a felony conviction is “set aside” by a judge, current law automatically restores that individual’s civil rights, such as the right to vote, and gun rights.

Solution

Our plan requires judges to scrutinize requests for “set asides” and to only restore gun rights if the individual meets the criteria for doing so and clarifies the limitations on such orders. Those with dangerous offenses cannot have their gun rights restored.



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