

The Risks of Unsecured Guns in Oregon

By Chelsea Parsons, Rukmani Bhatia, and Jake Weigler October 3, 2018

On December 11, 2012, tragedy struck the Clackamas Town Center outside Portland, Oregon. Jacob Tyler Roberts carried a semi-automatic rifle and multiple ammunition magazines into the mall, walked to a food court full of holiday shoppers, and opened fire.¹ During this 22-minute rampage, Roberts fired 17 shots total, killing two people and severely injuring another before taking his own life.²

Roberts stole the gun he used to commit this attack from a friend just hours before the shooting.³ Yet despite the fact that he left a firearm unlocked and accessible to anyone in his house, Roberts' friend did not break any federal or state laws. Oregon, like many other states, does not require guns to be locked or securely stored when not in use. Furthermore, state law does not mandate that gun owners report theft of their firearms.

Since the Clackamas Town Center shooting, advocates for responsible gun ownership—including relatives of two of the victims—have called for Oregon to adopt safe storage legislation in order to help prevent against theft and other types of unauthorized access to guns.⁴ Furthermore, the National Rifle Association (NRA) recommends that guns be stored in a way that makes them inaccessible to unauthorized users.⁵ Following simple safety procedures—such as storing guns with a trigger lock on or in a secure safe—makes guns less likely to be stolen or handled by an unauthorized user, including children. Such measures protect gun owners from gun theft and help to reduce the risks of unintentional shootings—including those involving children—and youth suicides at home.

Stolen guns are a public safety problem

According to data collected by the FBI, a firearm is stolen roughly every two minutes in the United States.⁶ From 2012 through 2015, an estimated 1.2 million guns were stolen from individuals across the country.⁷ Individual gun owners are targets of gun theft, particularly if their guns are not safely stored at home.⁸ Parked cars are a prime target for gun thieves, with data from 25 large U.S. cities finding that an estimated 4,800 guns were stolen from vehicles in 2015.⁹ These numbers are likely an undercount, as there is a dearth of comprehensive data on gun theft due to a lack of mandatory theft reporting requirements in many states. Some surveys estimate that as many as 400,000 guns are stolen annually in the United States.¹⁰

Gun theft is a substantial problem in Oregon; guns are frequently stolen both from licensed gun dealers and individual gun owners. From 2012 through 2016, 176 guns were reported stolen from licensed gun dealers in the state.¹¹ Additionally, analysis of FBI data on reported gun thefts by individuals—as opposed to gun dealers—reveals that an estimated 17,302 guns were reported stolen from individual gun owners in Oregon from 2012 through 2015.¹²

Stolen guns are a public safety problem. Gun theft is often a precursor to another crime; law enforcement agencies frequently recover stolen guns in connection with violent crimes. One study by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) found that from January 2010 through December 2015, at least 9,736 guns stolen from gun dealers were later used in a crime.¹³ Gun theft impedes criminal investigations into subsequent crimes involving the stolen gun. A stolen gun essentially becomes untraceable because the paper trail concerning ownership of the gun ends with the theft. If the theft is not promptly reported to local police, the gun loses most of its value as a potential clue in solving any crime it is later used in, as there is no information about when the gun was stolen or the circumstances surrounding the theft. Another concern law enforcement has around gun theft is the link to illegal gun trafficking and straw purchasing—buying a firearm on behalf of someone who is legally prohibited from buying or possessing a firearm. The ATF released a report in 2000 noting that roughly 10 percent of firearms trafficking investigations from July 1996 and through December 1998 involved guns that had been stolen from private residences, and another 14 percent involved guns stolen from licensed gun dealers.¹⁴

Unsecured guns pose risks for children and teens

Roughly 4.6 million children and teens ages 17 and younger in the United States live in a home with at least one loaded and unlocked firearm.¹⁵ This access to guns can have tragic consequences. Approximately 89 percent of unintentional shootings in which children die occur at home, often when children play with firearms without their parent's or guardian's knowledge.¹⁶ From 2002 through 2016, 1,723 children under age 18 were unintentionally killed by a firearm in the United States—16 of whom were killed in Oregon.¹⁷ In 2013, 4-year-old Cody Hall found a loaded gun at home in Donald, Oregon. While playing with the weapon, he turned off the safety and fatally shot himself.¹⁸ In 2015, 11-year-old Colton Howard of Malin, Oregon, died after accidentally firing a .22 round into his chest while playing with a loaded rifle he found at home.¹⁹ In June 2018, a 13-year-old boy unintentionally shot and killed his best friend while playing with a loaded firearm in Silver Lake, Oregon.²⁰

Children and teens have also accessed unsecured guns in order to commit acts of violence outside the home. According to a review conducted by the U.S. Department of Education and the Secret Service, 65 percent of the guns used in school shootings came from the shooter's home.²¹ On April 10, 2007, Chad Escobedo took his stepfather's rifle to Springwater Trail High School in Gresham, Oregon, and shot through the windows of two classrooms while standing outside, injuring 10 students.²²

Guns at home also pose a risk for youth suicide. More than 75 percent of the firearms used in suicide attempts of those 19 years old and younger were kept in the youth's own residence or in the home of a friend or relative.²³ From 2002 through 2016, 9,369 young people ages 18 and younger in the United States died by suicide using a gun.²⁴ In Oregon, over the same time frame, 138 children ages 18 and younger ended their lives with a firearm.²⁵ Guns are uniquely lethal compared with other methods of suicide; studies indicate that 85 percent of suicide attempts with a gun end in death—versus only 3 percent for other common methods in the United States.²⁶ The lethality of suicide by firearm means that very few people survive an attempt to end their life with a gun. This information is particularly striking given that, according to a meta-analysis of 90 case studies conducted throughout the world, roughly 70 percent of survivors will not attempt suicide again, and 90 percent of survivors will not die by suicide.²⁷

Policy recommendations to reduce unsecured guns and aid criminal investigations

Given the substantial risks posed by unsecured firearms in the home, it is imperative that gun owners store guns securely and promptly report theft to law enforcement. For many gun owners, this is an uncontroversial proposition and a responsible practice that they have already adopted. A January 2017 survey found that 58 percent of U.S. gun owners supported a policy “requiring that a person lock up guns in their home when not in use to prevent handling by children or adolescents without supervision.”²⁸ Indeed, even the NRA recommends storing guns in a manner that will prevent them from being accessible to unauthorized individuals—for example, by using gun locks.²⁹

There are a number of policy proposals that could be implemented in Oregon, and in states across the country, that would help reduce the number of guns that are stored unsafely and within reach of unauthorized users, particularly children and thieves.

Require gun owners to store guns securely

According to a review of state laws by the Giffords Law Center to Prevent Gun Violence, only Massachusetts currently requires that all guns be stored either in a locked container or with a locking device that renders the gun inoperable.³⁰ Three other states—California, Connecticut, and New York—require that guns be locked when not in use in some circumstances.³¹ By failing to enact legislation requiring safe storage of firearms, states are abdicating their duty to establish expectations and norms around what constitutes responsible gun ownership, leaving many homes vulnerable to theft and unintentional shootings. It should be mandatory for gun owners to secure their firearms using trigger or cable locks or to store them in locked containers when not in use.

Indeed, storing guns with a locking device has a demonstrable impact on reducing unintentional shootings. According to a 1991 study by the U.S. General Accounting Office, 31 percent of unintentional gun deaths that occurred from 1988 through 1989 could have been prevented if a safety lock and loading indicator device had been used

on the firearm.³² Laws that require safe storage of firearms also have an impact on reducing gun-related suicides. A 2005 study published in the *Journal of the American Medical Association* found that storing firearms and ammunition securely could be a method to reduce the risk of self-inflicted firearm injuries at home.³³

Hold adults responsible for failing to prevent children from accessing guns

While safe storage laws impose requirements on how gun owners store guns in the home, child access prevention laws impose liability on individuals who fail to ensure that their guns are not easily accessible by children. Unintentional shootings involving children at home are entirely preventable; they occur because common sense gun safety protocols were not followed and a gun was negligently stored.³⁴ Child access prevention laws are designed to address this negligence on the part of gun owners.

According to a review of state laws by the Giffords Law Center to Prevent Gun Violence, 27 states and Washington, D.C., have enacted some type of child access prevention law to help reduce children's access to guns.³⁵ These laws vary by state. Some states impose criminal liability when an adult fails to store a firearm securely, regardless of whether that failure leads to a child accessing the gun. Others impose liability only after a child accesses the gun, regardless of whether the child uses it. A third group of states impose liability only in the event of a child accessing the gun and using or firing it. Finally, a fourth group of states impose liability only for reckless storage of the firearm, rather than negligence.³⁶ According to the RAND Corporation, there is supportive evidence that implementing child access prevention laws will reduce unintentional injuries and deaths among children, as well as youth suicide.³⁷ At a minimum, states should enact legislation that imposes liability on adults who negligently or recklessly store firearms in a manner that could allow a child to access a gun.

Additionally, anecdotal evidence suggests that child access prevention laws are unevenly enforced in states where they have been enacted. This is likely due to conflicting views among law enforcement about whether to further punish a family who has suffered a tragic loss.³⁸ Police, prosecutors, and judges therefore need to be mindful about ensuring that child access prevention laws are implemented and enforced in an equitable manner.

Require prompt reporting of gun theft

In addition to being required to store guns securely in order to help prevent theft, gun owners should be required to report to local law enforcement when one of their guns is lost or stolen. Prompt reporting of gun thefts allows police to investigate and attempt to solve the crime. It also alerts them to the potential for additional gun thefts in the community. Additionally, the failure to promptly report gun thefts creates problems for future criminal investigations when a stolen gun is later used in the commission of a violent crime. Without a timely report of the theft, the investigative lead provided by the gun being recovered at the scene of a violent crime goes cold when the purported owner of that gun claims it was no longer in their possession because it was stolen at some indeterminate point in the past. A mandatory reporting requirement in Oregon and other states would pose a minimal burden on lawful gun owners and is supported by an overwhelming 91 percent of American voters.³⁹

Conclusion

Securely storing firearms is a smart practice for gun owners. Safe storage laws, coupled with child access prevention laws and gun theft reporting requirements, keep lethal weapons from falling into the wrong hands, prevent tragedies that devastate families, and save lives.

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Endnotes

- 1 Steven Dubois, "Roommate of mall shooter called tip line," *The Argus Observer*, December 18, 2012, available at https://www.argusobserver.com/news/roommate-of-mall-shooter-called-tip-line/article_b7bc34a0-493e-11e2-9b58-001a4bcf887a.html.
- 2 Anna Griffin, "Clackamas Town Center shooting: 22 minutes of chaos and terror as a gunman meanders through the mall," *The Oregonian*, December 16, 2012, available at https://www.oregonlive.com/clackamascounty/index.ssf/2012/12/clackamas_town_center_shooting_61.html.
- 3 Rick Bella, "Clackamas Town Center shooter carried 145 rounds, fired 17 shots," *The Oregonian*, May 1, 2013, available at https://www.oregonlive.com/happy-valley/index.ssf/2013/05/clackamas_town_center_shooter.html; Brian Freskos, "A Man Went on a Deadly Rampage With a Stolen Gun at an Oregon Mall. His Victims' Families Are Now Pushing for a Safe-Storage Law," *The Trace*, April 13, 2018, available at <https://www.thetrace.org/2018/04/oregon-safe-storage-ballot-initiative-clackamas-mall/>; Clackamas County Sheriff's Office, "Clackamas County Sheriff's Office active-shooter investigation: Timeline of Events / Other Facts" (2013), available at <https://dochub.clackamas.us/documents/drupal/03ed9911-ccaf-4197-8b1e-918fc7b4b685>.
- 4 Freskos, "A Man Went on a Deadly Rampage with a Stolen Gun at an Oregon Mall. His Victims' Families Are Now Pushing for a Safe-Storage Law."
- 5 National Rifle Association, "NRA Gun Safety Rules," available at <https://gunsafetyrules.nra.org/> (last accessed August 2018).
- 6 Center for American Progress' analysis of data from the Bureau of Alcohol, Tobacco, Firearms and Explosives, "Federal Firearms Licensee Statistics Theft/Loss Reports 2012–2016" (2018), available at <https://www.atf.gov/resource-center/data-statistics>; FBI, "Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2015" (2017), available at <https://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/36792>; FBI, "Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2014" (2016), available at <http://www.icpsr.umich.edu/icpsrweb/NACJD/studies/36392>; FBI, "Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2013" (2015), available at <http://www.icpsr.umich.edu/icpsrweb/NACJD/studies/36123>; FBI, "Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2012" (2014), available at <http://www.icpsr.umich.edu/icpsrweb/NACJD/studies/35022>. The data include guns stolen from federal firearm licensees (FFLs) and private owners from 2012 through 2015 in order to use a consistent time period for both data sets. The data do not include guns lost from the inventory of FFLs.
- 7 Center for American Progress' analysis of data from the FBI, "Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2015"; FBI, "Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2014"; FBI, "Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2013"; FBI, "Uniform Crime Reporting Program Data: Property Stolen and Recovered, 2012." The Center for American Progress estimated the number of stolen firearms based on the value of stolen firearms by conducting an analysis of U.S. Bureau of Justice Statistics, "About 1.4 Million Guns Stolen During Household Burglaries and Other Property Crimes From 2005 Through 2010," Press release, November 8, 2012, available at <https://www.bjs.gov/content/pub/press/fshbopc0510pr.cfm>. This source indicates that, from 2005 through 2010, on average, the value of stolen firearms in the United States—in those cases in which only a firearm was stolen—was between \$400 and \$500 per incident. To estimate the number of firearms stolen, the authors considered these figures and used a middle point of \$450 for the average cost of a firearm. Using this figure results in around 300,000 guns stolen nationwide each year, which is consistent with findings from David Hemenway, Deborah Azrael, and Matthew Miller, "Whose guns are stolen? The epidemiology of Gun theft victims," *Injury Epidemiology* 4 (11) (2017): 1–5, available at <https://injejournal.springeropen.com/articles/10.1186/s40621-017-0109-8>.
- 8 Hemenway, Azrael, and Miller, "Whose guns are stolen? The epidemiology of Gun theft victims."
- 9 Chelsea Parsons and Eugenio Weigend, "Stolen Guns in America: A State-by-State Analysis" (Washington: Center for American Progress, 2017), available at <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>.
- 10 Ibid.; U.S. Bureau of Justice Statistics, "Firearms Stolen during Household Burglaries and Other Property Crimes, 2005–2010" (2012), available at <https://www.bjs.gov/content/pub/pdf/fshbopc0510.pdf>; Hemenway, "Whose Guns Are Stolen?"
- 11 Parsons and Weigend, "Stolen Guns in America."
- 12 Center for American Progress estimated the number of guns stolen using the value of stolen firearms reported to the FBI. For more detailed information about the methodology used for this analysis, please see endnote 7.
- 13 Center for American Progress analysis of the Bureau of Alcohol, Tobacco, Firearms and Explosives, "FFL Theft/Loss Reports Matching Firearms Subsequently Recovered and Traced (2014)" (2016), available at <https://www.atf.gov/about/firearms-trace-data-2015>; Bureau of Alcohol, Tobacco, Firearms and Explosives, "FFL Theft/Loss Reports Matching Firearms Subsequently Recovered and Traced (2013)" (2016), available at <https://www.atf.gov/about/firearms-trace-data-2015>; Bureau of Alcohol, Tobacco, Firearms and Explosives, "FFL Theft/Loss Reports Matching Firearms Subsequently Recovered and Traced (2012)" (2016), available at <https://www.atf.gov/about/firearms-trace-data-2015>; Bureau of Alcohol, Tobacco, Firearms and Explosives, "FFL Theft/Loss Reports Matching Firearms Subsequently Recovered and Traced (2011)" (2016), available at <https://www.atf.gov/about/firearms-trace-data-2015>; Bureau of Alcohol, Tobacco, Firearms and Explosives, "FFL Theft/Loss Reports Matching Firearms Subsequently Recovered and Traced (2010)" (2016), available at <https://www.atf.gov/about/firearms-trace-data-2015>.
- 14 Parsons and Weigend, "Stolen Guns in America"; U.S. Department of the Treasury and Bureau of Alcohol, Tobacco, Firearms and Explosives, "Following the Gun: Enforcing Federal Laws Against Firearms Traffickers" (2000), available at http://everytown.org/wp-content/uploads/2014/08/Following-the-Gun_Enforcing-Federal-Laws-Against-Firearms-Traffickers.pdf.
- 15 Deborah Azrael and others, "Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey," *Journal of Urban Health*, 95 (3) (2018): 295–304, available at https://www.thetrace.org/wp-content/uploads/2018/05/Firearm-Storage-in-Households-with-Children_UH.pdf.
- 16 Guohua Li and others, "Factors Associated With the Intent of Firearm-Related Injuries in Pediatric Trauma Patients," *Archives of Pediatrics and Adolescent Medicine* 150 (11) (1996): 1160–1165.
- 17 Center for American Progress analysis of Centers for Disease Control and Prevention, "Injury Prevention & Control: Data & Statistics (WISQARS): Fatal Injury Data," available at <https://www.cdc.gov/injury/wisqars/fatal.html> (last accessed September 2018).
- 18 Everytown for Gun Safety and Moms Demand Action for Gun Sense in America, "Innocents Lost: A Year of Unintentional Child Gun Deaths" (2014), available at <https://everytownresearch.org/documents/2015/04/innocents-lost.pdf>.
- 19 *Herald and News*, "Malin boy's shooting death self-inflicted, officials rule," March 17, 2015, available at https://www.heraldandnews.com/news/local_news/malin-boy-s-shooting-death-self-inflicted-officials-rule/article_d0c85bfa-cc71-11e4-88ab-1f177ac45f18.html.
- 20 Holly Dilleth, "Accidental gunshot claims life of Silver Lake teen," *Herald and News*, June 8, 2018, available at https://www.heraldandnews.com/news/local_news/accidental-gunshot-claims-life-of-north-lake-teen/article_6e08a882-15aa-5491-bad6-d1bd12bfc538.html.

- 21 Secret Service and U.S. Department of Education, "The Final Report and Findings of the *Safe School Initiative: Implications for the Prevention of School Attacks in the United States*" (2004), available at <http://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.
- 22 Mara Stine, "Shooter was crying out for help, friends say," *Portland Tribune*, April 13, 2007, available at <https://portlandtribune.com/component/content/article?id=85401>; Aimee Green, "Portland jury awards \$75,000 to former Gresham student who was shot in a classroom," *The Oregonian*, November 18, 2010, available at https://www.oregonlive.com/gresham/index.ssf/2010/11/portland_jury_awards_75000_to.html.
- 23 David C. Grossman, Donald T. Reay, and Stephanie A. Baker, "Self-inflicted and Unintentional Firearm Injuries Among Children and Adolescents: The Source of the Firearm," *Archives of Pediatrics and Adolescent Medicine* 153 (8) (1999): 875–878, available at <https://pdfs.semanticscholar.org/99f8/d7be54daede6e9d4e02ffab251d07ef6832.pdf>.
- 24 Center for American Progress analysis of Centers for Disease Control and Prevention, "Injury Prevention and Control: Data & Statistics (WISQARS): Fatal Injury Data."
- 25 Ibid.
- 26 Madeline Drexler, "Guns & Suicide: The Hidden Tole," *Harvard Public Health* (2013), available at https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/.
- 27 Giffords Law Center to Prevent Gun Violence, "Confronting the Inevitability Myth: How Data-Driven Gun Policies Save Lives from Suicide" (2018), available at http://lawcenter.giffords.org/wp-content/uploads/2018/09/Giffords-Law-Center-Confronting-The-Inevitability-Myth_9.3.18.pdf; David Owens, Judith Horrocks, and Allan House, "Fatal and non-fatal repetition of self-harm: Systematic review," *British Journal of Psychiatry* 181 (3) (2002): 193–199, available at <https://pdfs.semanticscholar.org/2913/fa99dad65b4936e-2d6312ae3257cf31b14c9.pdf>.
- 28 Coleen L. Barry and others, "Public Support for Gun Violence Prevention Policies Among Gun Owners and Non-Gun Owners in 2017," *American Journal of Public Health* 108 (7) (2018): 878–881, available at <https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2018.304432>.
- 29 National Rifle Association, "NRA Gun Safety Rules."
- 30 Giffords Law Center to Prevent Gun Violence, "Safe Storage," available at <http://lawcenter.giffords.org/gun-laws/policy-areas/child-consumer-safety/safe-storage/#state> (last accessed August 2018); 190th General Court of the Commonwealth of Massachusetts, "Section 131L," available at <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter140/Section131L> (last accessed September 2018).
- 31 Giffords Law Center to Prevent Gun Violence, "Safe Storage."
- 32 U.S. General Accounting Office, "Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could Be Prevented" (1991), available at <https://www.gao.gov/assets/160/150353.pdf>.
- 33 David C. Grossman and others, "Gun Storage Practices and Risk of Youth Suicides and Unintentional Firearm Injuries," *Journal of the American Medical Association* 293 (6) (2005): 707–714, available at <https://jamanetwork.com/journals/jama/fullarticle/200330>.
- 34 Justin Peters, "Hold Parents Accountable," *Slate*, December 12, 2013, available at http://www.slate.com/articles/news_and_politics/crime/2013/12/unintentional_child_shootings_are_an_outrage_here_s_how_to_prevent_them.html.
- 35 Giffords Law Center to Prevent Gun Violence, "Child Access Prevention," available at <http://lawcenter.giffords.org/gun-laws/policy-areas/child-consumer-safety/child-access-prevention/> (last accessed August 2018).
- 36 Ibid.
- 37 RAND Corporation, "The Effects of Child-Access Prevention Laws," available at <https://www.rand.org/research/gun-policy/analysis/child-access-prevention.html> (last accessed September 2018).
- 38 Nick Penzenstadler, Ryan J. Foley and Larry Fenn, "Added Agony: Justice is haphazard after kids' gun deaths," *USA Today*, May 25, 2017, available at <https://www.usatoday.com/story/news/2017/05/24/justice-haphazard-when-kids-die-in-gun-accidents/101568654/>.
- 39 GBA Strategies, "National Voter Survey Findings: Polling on Guns" (2018), on file with authors.