January 2, 2013

Vice President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20501

Dear Mr. Vice President,

On behalf of the Major County Sheriffs’ Association (MCSA), I would like to thank you for the opportunity to meet with you and members of the President’s Cabinet, as well as other law enforcement leadership on December 20 to discuss issues of extreme gun violence in our country.

The MCSA represents the largest Sheriffs’ Offices across the United States; we each are elected to serve in jurisdictions that cover a combined 100 million American citizens. It is our duty to protect all residents and ensure their safety on a daily basis. In support of our mission to advance public safety, we welcome a national discussion on effective ways to prevent gun violence and a comprehensive review of gun policy in this country.

As promised, the following represents the MCSA position on issues discussed during our meeting:

Assault Weapons Ban

A ban on assault weapons alone will not address the issues of gun violence we are facing in our country today. The issue we have is an access problem: individuals with severe mental illness should never have access to guns.

Residents across the country have an expectation that local law enforcement agencies currently have access to mental health records and other information that would reveal “prohibitors” about gun permit applicants and individuals submitting to background checks (i.e., factors that would make gun ownership illegal or prompt further background checks). Although there are conflicting reports on the level
of inadequacy, there is consensus on the fact that the NICS (National Instant Criminal Background Check System) is woefully under-developed. For states, participation is voluntary, and we know that all relevant records are not yet accessible; \(^1\) for example:

- Only an estimated one-quarter of felony convictions are currently available in the system, and
- Through 2010, only 28 states had submitted approximately 100 records of court judgments of dangerous mental illness, when at the same time, the National Center for State Courts estimates there should be as many as 2 million disqualifying mental illness records in the NICS index.\(^2\)

**Bans on High Capacity Magazines and Bulk Purchases of Ammunition**

Some states already ban high-capacity magazines; 10, 12, 15, or 30 round magazine restrictions exist in several states, and federal law already prohibits the possession of ammunition by convicted felons, controlled substance users, and anyone subject to a domestic violence restraining order, among others, and it prohibits transferring ammunition to such persons as well. It prohibits the sale or transfer of (1) long gun ammunition to anyone under age 18 and (2) handgun ammunition to anyone under age 21. It also strictly regulates armor-piercing handgun bullets. But the problem is not the law-abiding citizen that will follow the restrictions; the problem again is one of access. As it relates to the issue of bulk purchases, we are not confident such restrictions would have an impact as even if you can’t buy in bulk, you can still buy multiple boxes of smaller quantities.

**Mental Health**

Mental health issues in the context of gun ownership are central to the national discussion if we are to avoid future tragedies and more fully protect the public. Too often, we have seen shooting incidents that involve mentally ill and/or untreated individuals (including 8 of the 9 in 2012 represented in the Office of Intelligence Analysis Spreadsheet from December 20, 2012).

The parents of Andrew Engeldinger, the mass shooter at Accent Signage in Minneapolis, gave an interview to KARE11 TV on December 19, 2012, and said they tried to push him to seek treatment for paranoia and delusions, but he was an adult and refused help.\(^3\)

And as Sheriffs we know of the depth of the deficiencies across the mental health system:

\(^1\) See A Summary of the Current NICS System, Testimony to the Senate Judiciary Committee of David Cuthbertson, Assistant Director, FBI CJIS Division, November 15, 2011.


• The nation’s largest mental health treatment facilities are not hospitals; they are County Jails (LA. County Jail, Cook County Jail in Chicago, and Riker’s Island in New York);
• Too often those who have been committed to the care and custody of our State Departments of Human Services languish in jail waiting for available treatment beds;
• We have a growing and unmet need for care and treatment facilities; experts believe 50 public beds per 100,000 population is a necessary minimum number, but nationwide we have just 17, and 42 of the 50 states had less than half the minimum number needed; the total estimated shortfall in public psychiatric beds needed to achieve a minimum level of psychiatric care is 98,820.  

There is a strong link between untreated mental illness and the increased risk of committing violent acts, including homicide.  The National Sheriffs’ Association and the Treatment Advocacy Center studied these issues and published, “No Room at the Inn, Trends & Consequences of Closing Public Psychiatric Hospitals, 2005-2010,” (July 19, 2012); I hope you will make time to read this important study.  Included in the report is a study of violent crime statistics and trends -- comparing them to the number of psychiatric beds available; they found a correlation:

When individuals with severe mental illness receive appropriate and effective treatment, their risk of committing violent acts is no greater than that of the general population.  When they do not receive treatment, multiple studies have found their risk of violent behavior, including homicides, to be significantly elevated.


Mr. Vice President, we have an epidemic of untreated mental illness in the United States, manifesting itself in long lines in emergency rooms of folks waiting for psychiatric beds, dramatic increases in homelessness and victimization, a greater demand on police and sheriffs who, for all intents and purposes, have become front-line mental health workers, and -- as we discussed last week -- an increase in the number of acts of violence, including homicides, committed by mentally ill individuals who are not being treated.

We need more resources and placement options for individuals and families that need our help before an act of violence, an arrest, or an attempted suicide occurs, as well as after.  Law enforcement simply does not have adequate access to mental health records when responding to 911 calls and when admitting people to our jails; having more information would help us identify resources and treatment alternatives in appropriate cases.

**Culture of Violence Targeting Youth through Entertainment**

We also must acknowledge the culture of violence on the internet, on television, in movies, and especially violent videogames, that dehumanize killing; this culture of

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violence has had negative impacts on our adolescents, especially young boys and young men.

Please know we are committed to moving this discussion forward to improve public safety. On January 28-29, our organization will be meeting in Washington, D.C, to discuss this issue more fully. We look forward to advancing the national debate with other organizations and stakeholders across the country to produce a safer country for all Americans.

Sincerely,

Richard W. Stanek
President, Major County Sheriffs’ Association
Hennepin County, MN Sheriff