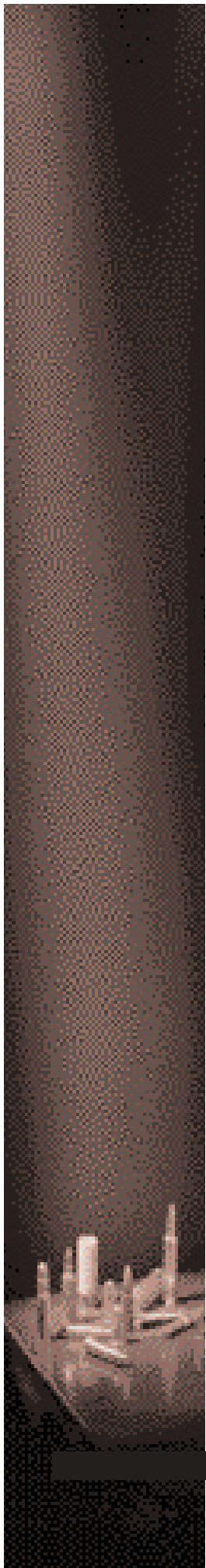


Section I

Depiction Suggestions and Fact Sheets





S P O T L I G H T O N D E P I C T I O N O F H E A L T H A N D S O C I A L I S S U E S

Crime and Punishment: Looking Down the Barrel *Legal Consequences*

Depiction Suggestions

- ◆ Explore the dramatic possibilities inherent in litigation against gun manufacturers for the public costs involved in treating gun injuries and prosecuting firearm-related crimes.
- ◆ Consider the story potential that may exist in showing a family filing suit against a gun manufacturer for injuries or death sustained by a defective firearm that misfired.

The parents of a 15-year-old boy killed by a young friend with a Beretta sued the gun manufacturer, maintaining the gun should have been designed to prevent use by children. The manufacturer countered that the accident was due to the parents' carelessness in storing a loaded pistol.

– Baltimore Sun, 10-8-98

- ◆ If gunplay is to be included in a production likely to draw younger viewers, try to show the consequences immediately, since members of this audience generally have a short attention span and could come away with the wrong message if consequences are delayed or absent.
- ◆ Show the person responsible for an unintentional firearm injury or death held legally accountable either by criminal prosecution or civil action.
- ◆ If police or military personnel are shown to use their guns improperly or outside the line of duty, try to show negative consequences in the form of job penalties, or civil or criminal actions.

- ◆ Emphasize, where possible, the legal penalties applied to “straw purchasers” who act as intermediaries between gun dealers and persons who are legally restricted from buying guns themselves.
- ◆ Try to demonstrate that offenders get stiffer sentences if they use a gun in the commission of their crimes.
- ◆ Consider giving an account of a family's lawsuit against a gun dealer or manufacturer for supplying a gun that a criminal used to murder their loved one.

When a former member of the White Supremacists killed two men and wounded nine people in a Fourth of July weekend shooting rampage, the victim's families decided to sue a gun shop, two firearms manufacturers, and the man who sold the weapons to the shooter. The lawsuit accuses gun dealers and manufacturers of negligence for failing to adequately monitor gun distributors.

– UPI, 6-30-00

The parents of a teenager who bought a gun at K-mart, then used it to commit suicide, filed a lawsuit against the store. The teen made three trips to the store: first to purchase the gun, then to ask for help assembling it, and finally to retrieve the assembled gun - which was then used to kill his dog and then himself.

–Salt Lake City Tribune, 9-29-00

When a man came to Wal-Mart to buy a gun, the clerks apparently didn't notice that he checked "yes" on the part of the application asking if he was under a restraining order. They sold him the gun, which he used to fatally shoot his wife and her brother. His children sued Wal-Mart for selling the gun and helping to cause the death of their mother. Wal-Mart agreed to pay them \$16 million.

-AP, 2-22-00

- ◆ Consider placing emphasis on the legal consequences for the shooter - arrest, trial, conviction, sentencing and prison time.
- ◆ Consider showing felons being criminally prosecuted for illegal gun possession.
- ◆ When appropriate, show the legal ramifications of lying on a gun application.

Because he was a convicted felon, a Maryland man got his friend to buy a gun for him. When he then used it to kill four people, the friend was criminally charged with making a false statement in connection with the gun's purchase.

-Baltimore Sun, 3-12-00

- ◆ When appropriate, depict parents being prosecuted for failing to securely store a gun that their child subsequently used to kill or injure others.

- ◆ Attempt to demonstrate the consequences of teenagers simply being caught possessing guns (e.g., jail time, probation, expulsion from school, etc.).
- ◆ Consider having characters criminally charged for simply brandishing a firearm.

A Texas state judge was reprimanded for repairing his guns on the bench while he presided over jury selection in a murder trial.

-AP, 7-13-00

- ◆ Consider having a character use a gun in what he/she believes is self-defense only to be charged with murder or manslaughter because it's determined that excessive or unjustified lethal force was deployed.
- ◆ Consider showing bartenders or bar owners being prosecuted or held civilly liable for gun injuries caused by a drunken patron who is known by them to carry a weapon (akin to the prosecution of bar owners for traffic deaths caused by drunk drivers).
- ◆ Explore legal prosecution or civil action being taken against parents for negligently leaving a gun available to a child who then uses it to either intentionally or unintentionally harm themselves or others.

Spotlight on Depiction of Health and Social Issues

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Crime and Punishment: Looking Down the Barrel *Tools of the Trade*

Fact Sheet

- ◆ More than 70% of homicides are committed with a firearm.¹
- ◆ Firearms were the weapons used in 40% of all robberies and 20% of all aggravated assaults.²
- ◆ Guns were used in 90% of gang-related killings and 65% of “non-gang” homicides.³
- ◆ Firearm-related offenses were chiefly responsible for an overall 40% increase in violent crimes since 1985.⁴
- ◆ In 88% of firearm homicides, both victims and offenders were male.⁵
- ◆ In 1994, nearly 90% of homicide victims age 15 to 19 years were killed with a firearm.⁶
- ◆ Of all homicides in 1996, 68% occurred by firearm. Among young Black males, 91% of homicides occurred by firearm.⁷
- ◆ When pictures of nine different guns were shown to 135 detainees at a Washington DC jail, more than 90% of the 15 to 19 year old males could correctly match the manufacturer’s name to the gun. When asked to identify the gun they would most like to have, the younger inmates chose weapons with a menacing appearance and reputation for rapid fire and multiple rounds. Older inmates preferred guns which were small, concealable and reliable.⁸
- ◆ Of all firearm homicides in 1997 in which the type of gun was known, 84% were committed with handguns.⁹
- ◆ According to a 1991 survey of prison inmates, 9% of those who possessed a handgun acquired it through theft.¹⁰
- ◆ The illegal firearms market plays a large role in providing criminals with access to guns. Forty-five percent of those arrested reported the illegal firearm market as a primary source for obtaining guns.¹¹
- ◆ Every hour, guns are used to commit 120 crimes in the U.S.¹²
- ◆ It is the combination of easy access to guns and the extraordinary readiness to use them that helps make the U.S. homicide rate so high.¹³
- ◆ In 1994, the Bureau of Alcohol, Tobacco and Firearms received over 85,000 requests from law enforcement agencies across the country to trace guns used in crimes. Over three-quarters of the guns traced by the ATF were handguns and one-third were less than 3 years old.¹⁴
- ◆ The proportion of homicide deaths attributed to firearms among 15-34 year olds rose from 66% in 1985 to 80% in 1997.¹⁵
- ◆ 42% of guns purchased from retailers were bought by “straw purchasers”.¹⁶
- ◆ A large number of guns are illegally distributed by corrupt licensed dealers and at gun shows. Gun show sales were the source of an estimated 26,000 trafficked firearms. Corrupt dealers were associated with the largest total number of illegally diverted guns - 40,365.¹⁷

◆ Deficiencies in the Brady Law's background check system (i.e., a failure to disqualify felons from buying guns because computer records often omit felony convictions) allowed 6,000 felons to buy firearms in an 18 month period from 1998 to 2000.¹⁸

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