

Child Access Prevention Laws as A Means of Reducing Gun Theft

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Abstract

This research seeks to determine whether stronger state-level Child Access Prevention (CAP) laws in the United States are associated with reduced rates of gun theft. FBI data on gun thefts are utilized to calculate gun theft rates for 48 states between the years 2012 and 2015. OLS regression with robust standard errors indicates that stronger CAP laws are associated with lower levels of gun theft. Each additional CAP law is associated with an average decrease of 4 percent in the rate at which guns are stolen in a given state.

Keywords: Gun violence, gun theft, gun laws safe storage, child access prevention

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Introduction

In November 2009, a man named Maurice Clemmons entered a coffee shop in Parkland, Washington and fatally shot four police officers. Three years later, on the other side of the country, a man named Adam Lanza forced his way into a Connecticut elementary school, fatally shooting twenty children and six adults before turning the gun on himself. Despite being separated by time and geographic distance, and despite a number of characteristics that distinguish the two incidents (e.g. location, motivations of the shooter, the number of guns used, and the kinds of guns used), the two shootings share at least one characteristic in common: both occurred after the shooter stole the guns they used to take the lives of their victims.

Mass shootings are only one, relatively infrequent violent crime in which stolen guns might be used. According to the Federal Bureau of Investigation's (FBI, 2017) *Uniform Crime Report*, nationwide, guns were used in more than a quarter of aggravated assaults in 2017, in more than forty percent of robberies, and in more than seventy percent of murders. Though the FBI does not classify the guns used in the commission of these crimes by whether or not they were stolen, it is only logical to assume that some of said guns were, in fact, stolen, and to allow for the possibility that stolen guns may have been used in a significant portion (even a majority) of violent gun crimes. Notwithstanding the significance stolen guns may play in explaining the rate at which violent crimes occur, literature that specifically examines potentially causal relationships between stolen guns and crime is relatively sparse. What literature does exist substantiates the importance of addressing gun theft as a means of reducing violent crime (Haas et al., 2007; Stolzenberg & D'alessio 2000). Stolzenberg and D'alessio (2000), for example, found that while the rate at which guns are stolen in a particular area is highly correlated with the area's violent gun-crime rate, the number of legally owned and registered weapons in an area had no substantive relationship with the rate of gun crime. Still, no literature has, as yet, linked lower rates of gun theft to any particular policy instituted at the state level, despite several, rather intuitive relationships one might expect to see between various gun laws and rates of gun theft. This paper addresses the aforementioned gap in the literature by seeking to determine whether a significant relationship exists between the gun storage laws many states already have in place and the rate at which guns are stolen from private individuals. Specifically, this work seeks to answer the following question: Is the strength of a state's Child Access Protection (CAP) laws associated with the rate at which guns are stolen in that state?

Literature Review

Gun Theft

Gun theft is far from an uncommon phenomenon in the United States. On a national level, approximately 380,000 guns are stolen in the U.S. every year, a number that breaks down to a gun being stolen somewhere in the country about once every two minutes (Hemenway et al., 2017). Twenty years ago, Kleck (1999) noted that even if all other sources of crime guns (e.g. straw purchases, unregulated private sellers, etc.) were eliminated, the number of guns stolen in a single year would still be more than enough to supply all criminals involved in gun-related crimes that year. More recently, Braga et al. (2012) found that almost a quarter of guns (22.5 percent) traced in trafficking investigations undertaken by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) were stolen at some point prior to entering the black market.

As Zawitz (1995) notes, all stolen guns are, by definition, available to criminals. It should be unsurprising, then, that many criminals obtain their weapons by theft. In a sample of juvenile inmates, Sheley and Wright (1993) found that 24 percent had stolen their most recently obtained gun and that more than half had stolen a gun at some point in their lives. In a sample of arrestees from eleven urban areas in the U.S., 13 percent admitted to having stolen a gun (Decker et al., 1997). More recently, a survey of inmates in state and federal prisons found that 6.4 percent had stolen the firearm that had been in their possession while committing the offense for which they were imprisoned (Alper & Glaze, 2019). While these estimates provide some insight into the role stolen guns play in supplying guns to criminals who commit violent crimes, it is important to realize that they are only estimates of direct theft and subsequent use by criminals; they do not necessarily represent the extent to which stolen guns are acquired by criminals who did not participate in the initial theft. Given this fact, and the fact that the vast majority of stolen guns are never recovered, it is entirely plausible that stolen guns play a larger role in the occurrence of violent crime than surveys of inmates can make clear (Cook, 2018).

Importantly, gun theft among criminals appears to largely be a function of opportunity more than concerted efforts by criminals to obtain weapons. A survey of firearm offenders in state prisons conducted by Rossi and Wright (2008: 206) found that 84 percent of the prisoners surveyed had stolen a gun from a home or an apartment at some point in their lives, a number more than 30 percent higher than the number who had stolen guns from the next most popular site (cars). Additionally, the authors found that 76 percent of all gun thieves stole guns when they came across them rather than as part of

a preconceived plan (Rossi & Wright, 2008: 199). Together, these two findings indicate that a large portion of gun thefts happen in homes and suggest that thefts are more likely to take place in homes where guns are more easily accessible.

Though scholars have devoted some limited attention to gun theft by or on behalf of violent criminals, gun theft committed by another, more specific demographic – children or youth under the age of 18 – has been the subject of far more thorough examination. In a study of school shootings, for example, Vossekul et al. (2004) found that more than two-thirds of attackers had stolen their guns from their own homes or the homes of a relative. Gun theft by youth has also been linked to an increased risk for youth suicide (Choi et al. 2017), as well as youth homicide, gang violence, and other violent crimes (Sheley & Wright 1995). What is important for the purposes of this paper, however, is not what crimes youth commit with stolen guns, but how easy it is for youth to steal guns in the first place.

Surveys of American youth indicate that approximately 25 percent have “easy access” to a gun within their homes (Shawn & Hamming, 2000; Shawn et al., 2002). Of youth living specifically in gun-owning households, easy access to guns is reported by roughly 41 percent (Simonetti et al., 2015). It seems reasonable to suggest that if and when guns are easily accessible to youth in American homes, they are easily accessible to *any* person who enters said homes, and significantly more vulnerable to theft than guns that are stored securely. Accordingly, policies that reduce easy access to firearms in American households should, at least in theory, lead to a reduction in the number of guns stolen from private persons by both youth and adults.

Child Access Prevention Laws

Though a relationship between gun theft and policies that reduce easy access to guns has yet to be explicitly established in the gun violence literature, several studies suggest, indirectly at least, that such a relationship does, in fact, exist. For example, as noted earlier, gun theft by youth has been linked to increased risk for youth suicide. In order to combat youth suicide rates, several states have instituted CAP laws requiring guns to be kept out of sight, laws that require guns to be stored in a locked cabinet or safe, and laws that make owners liable for any negligent action that allows a child or other unauthorized person to obtain their weapon. These laws are broadly popular with the American public, with 78 percent of those surveyed indicating support for laws that require guns to be stored in a locked area (Bandlamudi, 2019).

Studies examining the efficacy of these laws generally support the conclusion that they lead to safer gun storage practices (Prickett et al., 2014), a reduction in youth suicide rates (Cummings et al., 1997; Webster & Starnes, 2000; Webster et al., 2004; Hepburn et al., 2006), and a reduction in rates of accidental gun injury (DeSimone, 2013; Hamilton et al., 2018). Storage and access laws have also been associated with a decrease in the rate at which youth carry guns to school (Anderson & Sabia, 2018) and even the rate at which adults carry out firearm suicide attempts (Anestis, 2018). Despite this evidence, however, only 16 US states had at least one CAP law in place at the end of 2016 that required guns to be stored in a secure location (McClenathan et al., 2017) (see Figure 1), and national surveys of gun storage practices indicate that less than half of gun owners (46 percent) report safely storing all of their weapons (Crifasi et al. 2018).

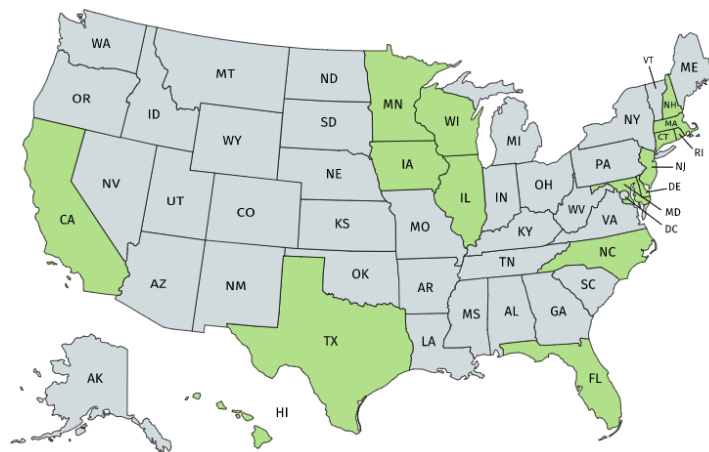


Figure 1. States in 2016 With at Least One CAP Law

Note: Figure created using <https://mapchart.net/usa.html>

Together, the literature discussed to this point suggests two things: (1) that wider adoption of CAP laws among U.S. states may lead to fewer suicides and unintentional deaths, and (2) that CAP laws may also lead to fewer criminals acquiring guns through theft. While the first of these conclusions has been the subject of numerous formal tests, the second has not. In light of this fact, this work aims to test the following hypothesis: *States with stronger CAP laws will tend to have lower rates of gun theft than states with weaker CAP laws.*

Research Methodology

In this analysis, the dependent variable, gun thefts, is measured as the number of guns stolen per 100,000 persons comprising a state's population. This operationalization allows for gun thefts to be normalized across states and, accordingly, for gun thefts in small states to be more accurately compared to gun thefts in large states. Unfortunately, very little data exists for gun thefts at the state level. Currently, the only source of data for gun thefts across multiple states and years is the FBI's (2017) Uniform Crime Report, which maintains a record of the total value in US dollars of guns reported stolen every year in each state.

In order to transform the total value of firearms stolen in states to a "rate per 100,000" measurement, an additional measure was utilized. According to a report from the U.S. Bureau of Justice Statistics (Langton, 2012), the average value of a stolen firearm over a six-year period (2005-2010) was \$450. This average value made it possible to roughly calculate the total number of guns stolen each year and generate the rate per 100,000 measure used for statistical analysis. First, the total value of firearms reported stolen in each state was divided by 450—the average value, in dollars, of a stolen gun. Second, the resulting number—the number of guns stolen in each state—was divided by the total number of people belonging to each respective state's population. This calculation resulted in the number of guns stolen per person each year in every state. Lastly, this number was multiplied by 100,000.

The result of the above calculations is an estimate of the rate at which guns are stolen in every state. It is far from perfect. In addition to relying on an *average* value of stolen guns to calculate the *actual* number of stolen guns in every state, the estimate relies on an important assumption about the original FBI data: that it is complete and accurate. As the FBI collects its data from local law enforcement organizations, and as these organizations can only report data that actual gun owners report to them, there are multiple points in the data collection process where reporting is very probably less than 100 percent accurate, a fact that detracts from the data's overall validity. Given what is available, however, the measure described here is perhaps the only measure that can be used to answer the question at hand.

The operationalization of CAP law strength is done using a database of state firearm laws originally developed by McClenathan et al. (2017). The database dichotomously measures the existence

of 135 unique gun laws across all 50 U.S. states and sorts each law into one of 14 categories according to what it is meant to regulate (e.g. background checks, waiting periods, licensing, etc.). Although a total of eleven laws are grouped in the category of Child Access Prevention, three of these laws require trigger locks but do not require a gun to be stored in a manner that would prevent theft of the gun itself. Accordingly, these laws are excluded from the analysis. Additionally, three other laws grouped in the CAP law category impose criminal liability if negligent storage leads to a firearm being accessed by a minor. The only difference between these three laws is the age of the minor which would potentially lead to criminal liability (i.e. if the minor is less than 14, 16, or 18 years old). These three laws are combined into a single dichotomous measure. This dichotomous measure is combined with the remaining five laws in the CAP law category to create a variable with values ranging from one to six. CAP law strength, then, is measured simply as the total number of CAP laws in place in a state during a given year. The more laws are in place, the stronger a state's CAP laws may be understood to be.

In addition to the variables described thus far, the analysis includes a number of variables used to control for alternative explanations and parse out spurious correlations between the variables of interest. Two of these variables require special attention: gun ownership and each state's individual legislative environment. The first of these variables – gun ownership – is necessary to include for a number of obvious reasons. First and foremost, one would expect more guns to be stolen in states where more people own guns. More people owning guns means that there are likely more guns to be stolen, and more people having guns may also encourage people without guns to acquire them when given the opportunity to do so. Indeed, research has shown that gun ownership is more than twice as high among people who report participation in a social gun culture than it is among those who are not (Kaleson et al., 2016). People living in states with high levels of gun ownership are more likely to be exposed to this culture than those who do not and subsequently may be more likely to see a gun as something worth stealing, either for personal use or because they believe a gun is something that can be easily sold for financial gain at a later point. At the same time, some evidence suggests that crimes such as home burglaries are less likely to occur in areas where there are high levels of gun ownership (Plassmann & Whitley, 2003; Wright & Rossi, 1994). If more guns in an area reduce the number of burglaries that occur, more guns in an area might also reduce the number of guns that are stolen by reducing the frequency with which criminals enter homes and happen upon firearms. For these reasons, including gun ownership as a control variable in this analysis is not optional.

Unfortunately, however, reliable data on gun ownership within states that span several years are impossible to come by. The only surveys that consistently measure American gun ownership levels in the U.S. using the same set of questions (e.g. the General Social Survey) tend to measure gun ownership at the national level, making it impossible to use the generated data for state-level analysis. To address this problem, gun violence researchers have typically turned to the use of proxies to measure gun ownership. These proxies have included the number and rate of fatal gun accidents in a given area (Seitz, 1972); the number and rate of registered weapons (Fisher, 1976); gun magazine subscription rates (Duggan, 2001); the number and rate of concealed carry permits (Haas et al., 2007); and more. Among these proxies, however, only one – the percentage of suicides completed with a firearm – has been repeatedly shown to generate ownership data that are highly correlated with actual gun ownership levels in different areas (Kleck, 2015: 41; Miller et al., 2002b: 1988) and been lauded as “the best choice” for researchers seeking to determine the effects of gun prevalence on various crime outcomes (Azrael et al., 2004: 43). In this study, gun ownership will be measured as the percentage of households in which a gun is present as estimated by dividing the firearm suicide rate in each state by the total suicide rate. These data are recorded and published annually by the U.S. Centers for Disease Control (CDC), and are accessible via the CDC’s Web-based Injury Statistics Query and Reporting System (WISQARS).

The second control variable that requires special attention in this study is the legislative environment of each state. Here, “legislative environment” specifically refers to the degree to which gun laws in a given state are more or less restrictive. As with gun ownership, there are a number of reasons why the inclusion of this variable is necessary. First, the restrictiveness of gun laws across states varies significantly (Giffords Law Center, 2019). This means that it is easier to legally obtain, carry, and use guns in some states than it is in others, and subsequently the cost-benefit analysis of acquiring a gun via theft rather than legal means may be different for people in different states. Additionally, illegally trafficked guns tend to flow from states with weaker gun laws to states with stronger ones (Kahane, 2013; Knight, 2013). As previously mentioned, a large portion of illegally trafficked guns are stolen (Braga et al., 2012). Together, these two pieces of evidence suggest that gun theft may occur more frequently in states with weaker gun laws than it does in states with stronger gun laws.

To measure the strength of each state’s gun laws, this analysis relies on the same database used to operationalize the strength of state CAP laws – the state gun law database developed by McClenathan et al. (2017). Using this database, the number of gun laws in each state in each year will be tallied, and the total number of gun laws in each state will represent the restrictiveness of the gun

laws in that state. This method for measuring state gun law strength has been used previously in other research (Collins et al., 2018; Orient, 2013; Weisser, 2018), and is arguably a better measure than alternatives that use indexes or that weight laws as weighting laws introduces a danger of arbitrary decision-making invalidating results (Siegal et al., 2017). The use of gun law counts is further supported by evidence indicating they perform similarly to other gun law permissiveness scales in statistical analysis (Reeping et al., 2021).

In addition to the variables discussed above, four other variables will be accounted for in the analysis, all of which will be operationalized and measured using data from the U.S. Census Bureau. These variables include the following: (1) the annual percentage of each state's population that is in poverty; (2) the annual percentage of each state's population that is unemployed; (3) the annual percentage of each state's population that lives in urban areas; and (4) census region. Data for all variables in the analysis will be collected for the years 2012-2015. Importantly, gun theft data for Illinois and New Jersey are missing for all four years, reducing the N of observations to a total of 192. Summary statistics for all key variables can be seen in Table 1.

Table 1. Summary Statistics for Key Variables.

Variable	N	Mean	SD	Min	Max
Stolen Gun Rate	192	105.47	67.31	5.53	324.82
Access Laws	200	0.93	1.53	0	6
Gun Ownership	200	51.39	12.61	16.11	72.21
Legislative Environment	200	26.07	25.17	3	102
Unemployment	200	6.18	1.68	2.7	11.11
Poverty	200	12.19	3.16	5.8	21.9
Urban	200	0.73	0.14	0.38	0.95

Using the data detailed above, an OLS regression model was utilized to determine whether a statistically significant association exists between the strength of CAP laws and the rate at which guns are stolen in different states. The model was run using robust standard errors to account for heteroskedasticity and autocorrelation.

Results

The model described above indicates that three of the included variables have a statistically significant relationship with the rate at which guns are stolen: gun ownership, poverty, and the strength of CAP laws (see Table 2). Gun ownership and poverty are both related at the $p < .01$ level and the coefficient of each variable is positive. For gun ownership, a one-percent increase in household gun ownership is associated with an increase of 1.78 in the rate at which guns are stolen (an increase of

about 1.6 percent relative to the average gun theft rate of 105.47 per 100,000). For poverty, the effect size is even larger. A one-percent increase in poverty is associated with an increase of 4.71 in the rate at which guns are stolen (an increase of nearly 4.5 percent relative to the average rate).

Table 2. CAP Laws and State Gun Theft Rates

Variables	Coefficient	P values
Access Laws	-4.9	(2.58) ⁺
Gun Ownership	1.78	(0.41)**
Legislative Environment	0.08	(0.16)
Unemployment	-0.71	(2.11)
Poverty	4.71	(1.57)**
Urban	-5.39	(30.41)
R ²	0.67	
N	192	

**p < .01, *p < .05, +p < .10

(Robust Standard Errors in parentheses)

As predicted, the strength of state CAP laws was negatively associated with the rate at which guns are stolen. Each additional CAP law in a state was associated with a decrease of 4.9 in the rate at which guns are stolen, an effect size larger than that of either gun ownership or poverty. Relative to the average rate at which guns are stolen, this relationship suggests that an average state that implemented all six CAP laws would expect to see a decrease of almost 28 percent in the rate at which guns were stolen. Notably, however, the relationship between CAP laws and gun theft is less certain than the relationships between gun theft and either poverty or gun ownership. While each of these last two variables show significance at the p<.01 level, CAP laws are significant at the p<0.1 level. It should be

noted here that the p-value for CAP laws was 0.058, a value that barely exceeds the .05 standard, but that nevertheless indicates a 94 percent level of confidence in being able to reject the null-hypotheses.

The remaining key variables utilized in the analysis did not show statistical significance. The only one of these variables to get close was that of legislative environment which shows a p-value of .16. Perhaps surprisingly, the coefficient for this variable is positive (though quite small). If a significant relationship were established between the legislative environment and gun theft rates, the relationship would indicate that each additional gun law would actually be associated with an *increase* in gun theft rates (though by less than a tenth of a percent on average).

Overall, the R^2 (0.67), indicates that the model explains some two-thirds of the variance in gun theft rates across states, suggesting a fairly good fit, but one that could doubtless be improved.

Discussion

There are several limitations to this research, many of which have to do with the quality of the data used. Firstly, there are concerns regarding the validity of the measure used to operationalize gun thefts. As has been noted, this measure was constructed using FBI data that did not detail the actual number of guns stolen but that instead reported the value of all stolen guns as reported to them by local law enforcement agencies and departments. Using an average value of a stolen as calculated in a government report, an estimate of the actual number of guns stolen was calculated. This alone is enough to cause some worry. Add to this worries of incomplete reporting of gun thefts to local law enforcement and incomplete reporting from local law enforcement to the FBI, and this worry is compounded even further. Notably, the FBI data is also incomplete in that it does not report any data for either Illinois or New Jersey, two large states that have a combined population of some 21 million persons.

In addition to the limitations of the data used to operationalize this study's dependent variable, it is also important to note that only four years of data (2012-2015) were used in the study's model. As rates of theft, poverty, and other variables used here vary over time, the use of four years of data is insufficient to draw broad conclusions about the relationship between CAP laws and gun thefts. Future research should build on this study by expanding the timeframe examined to see if the relationship

between CAP laws and gun theft changes over time and if the significance of the relationship changes with the use of a larger N.

The nature of this study is also somewhat of a limitation. Though it seeks to establish the existence of a relationship between CAP laws and gun theft, no effort is made in this study to determine whether this relationship is causal, or whether it is, in fact, CAP laws that cause reductions in gun theft rates instead of some other combination of factors. It may even be possible that reductions in gun theft precede the adoption of CAP laws as gun owners in various states begin storing their weapons more safely and become more vocal about the need for others to do so. Future research should address these limitations by applying interrupted time-series designs to determine how gun theft rates change after the adoption of a CAP law relative to the gun theft rates that were recorded prior to the adoption of the law.

Future research should also consider examining the effects of individual CAP laws to see which, if any, are the most impactful on gun theft rates. Though this research indicates the relationship between the overall strength of CAP laws and gun theft is a strong one, the aggregation of CAP laws in this analysis allow for the possibility that the relationship is driven by one or two CAP laws in particular. Determining which CAP laws are most effective at reducing theft is a necessary step in developing this line of research and in informing policy making decisions.

Conclusion

Gun violence in the U.S. kills tens of thousands of Americans every year, and tens of thousands more are injured or victimized through the commission of additional, non-fatal gun crimes. While a great deal of research has associated gun violence with the presence of guns in the aggregate, a small body of research has focused on an important distinction between guns that are legal and those that are stolen. If previous research in this area is to be believed, it is stolen guns more than legally owned guns that contribute to gun violence. As such, efforts to reduce the number of stolen guns represent an opportunity to address gun violence in a more targeted and effective way. The aim of this study has been to establish the groundwork for a future body of research that focuses specifically on strategies for reducing the rate at which guns in the U.S. are stolen. Preliminary results suggest that CAP laws are one such strategy that has the potential to be effective. Similar laws and other efforts to promote secure

gun storage should be explored in the context of both the U.S. and other countries where gun theft can be linked to higher rates of fatal and non-fatal violence. A focus on these efforts by lawmakers, researchers, as well as public health and public safety practitioners could, at least potentially, significantly improve the safety and well-being of individuals and communities.

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