

Chapter 3

Zero Tolerance as a Policy Response to Mass Shootings

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ABSTRACT

The growth of shootings and rise of violence in schools have forced legislators and educators to take action. However, there has been limited change. Consequently, schools have had to resort to their own preventative measures including zero tolerance policies. Data clearly shows that zero tolerance has been the dominant way of dealing with discipline since the passage of the GFSA act of 1994. Despite the original intent of implementing zero tolerance policies in schools—that is, to ensure guns and other dangerous weapons were kept out of schools—these policies have instead grown to encompass an endless variety of seemingly minor infractions. This chapter explores the effects that zero tolerance policies, particularly, the unintended consequences that have resulted due to the increased utilization of such practices. Zero tolerance policies have implications for children and youth that are vulnerable (disabilities, immigrants, poor socio-economic status) increasing risks for repeated offenses and exposure to criminal justice.

INTRODUCTION

The definition of “mass shooting” has been widely debated bringing variation in accounting of the actual data. William Krouse and Daniel Richardson maintain that “‘mass shooting’ could be defined as a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and in one or more locations relatively near one another” (Krouse and Richardson, 2015, p. 2). However, there is not one widely accepted standard for data collection and representation. As a result, media outlets, academic researchers, and law enforcement agencies frequently use inconsistent definitions of mass shootings which brings about challenges in quantifying any trends related to this phenomenon. For example, based on the varying definitions, in 2015 there were, 7, 65,

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332, or 371 mass shootings in the United States (Smart, 2018). These inconsistencies pose challenges to fully understand the prevalence and propensity of mass shootings in the United States.

Research by Sharon LaFraniere and her colleagues further illustrates this point. They estimated that one mass shooting took place a day for 209 out of the 336 days in 2015. They defined mass shootings as one shooting leaving four or more people injured or dead. The authors, however, cite other analysts who reported a decrease in mass shootings in 2015. Professor James Alan Fox from Northeastern University indicates that this number varies based on the methodology and the data points included. Professor Fox attributes this shift to the perception that mass shootings have become more prevalent, particularly to the rise of 24-hour news reporting through the Internet (LaFraniere, Cohn, and Opiel, 2015).

When the Columbine High School shooting took place in 1999, the televised images remained pressed in everyone's minds. At the time, it was the nation's fifth deadliest mass shooting. After the Columbine shooting, seven years went by without another one. This gap seems out of the ordinary considering that in the last decade we have had at least one shooting with ten or more casualties every year. With each mass shooting, politicians and pundits are quick to offer legislative solutions.

These proposals have ranged from zero tolerance policies to restrictions on gun ownership. The policy attempts to alter behavior and mitigate the potential threats have been further complicated by the debate of rights to gun ownership. A 2016 study by Harvard Business School professors concluded three important findings related to policy responses. Lawmakers were precipitous in responding to such incidents. Particularly, per every mass shooting incident, researchers found a 15 percent increase in the number of firearm bills introduced (Luca, Malhotra, and Poliquin, 2016). Even though mass shootings account for a small portion of gun-related deaths, the impact of bills introduced in comparison to gun homicides in non-mass shootings was 80 times larger (Luca et al. 2016). However, despite this increased activity in legislation, the number of enacted laws made gun restrictions looser in Republican states. There were no significant findings of mass shootings and laws in Democratic states (Luca et al. 2016).

The Debate of Gun Control

Gun ownership in the United States holds many polarized views among individual citizens, politicians, industry, and other stakeholders. One cannot begin to discuss policy regarding mass shootings without first understanding this political debate. In 2007, there were 294 million guns in the United States a 65 percent increase since 1994" (Krouse, 2012). According to Max Fischer and Josh Keller, Americans make up 4.4 percent of the global population but own 42 percent of the guns (Fischer and Keller, 2017). Adam Lankford of the University of Alabama found a correlation between gun ownership and the chances of experiencing mass shootings (Lankford, 2016). Many Americans perceive gun ownership as an expression of their liberties.

Gun aficionados justify their right to gun ownership to the protections extended in the Second Amendment. As a result, despite the precipitation of mass shootings in the past few years, including shootings of former congresswoman Gabrielle Giffords (AZ), there has been little action towards gun control legislation. In part, the National Rifle Association (NRA) has influenced the debate related to assault rifles, shifting the scope from whether these should be banned entirely, to whether they should be allowed in bars, churches, or schools ("Arms and the Man," 2012).

This must explain to a certain extent why zero tolerance policies are much more prevalent over radical gun control policies that limits the individual's ability to purchase and utilize weapons. Instead, the ban focuses on where gun owners can carry their guns. This is a similar strategy that lobbyists have applied

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