



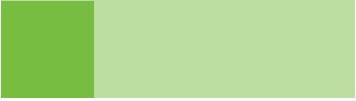
RETHINKING LGBTQ POLICY SERIES: POLICY RECOMMENDATIONS FOR GUN VIOLENCE PREVENTION USING A RACIAL, DISABILITY, AND LGBTQ JUSTICE FRAMEWORK

A National LGBTQ Task Force Policy Brief

ACKNOWLEDGEMENTS

This policy brief was authored by Victoria M. Rodríguez-Roldán, J.D., with Lydia X. Z. Brown. Many thanks to Candace Bond-Therault, Esq., LL.M., Meghan Maury, Esq., Taissa Morimoto, Esq., Stacey Long Simmons, Esq., Janice Thom, MSLS, and Alex Morash for their editorial assistance.





The National LGBTQ Task Force is a progressive social justice organization that works toward a society that values and respects the diversity of human expression and identity, and achieves equity for all. As the progressive voice of the LGBTQ movement, the Task Force approaches gun violence prevention from an intersectional framework conscious of issues such as racial justice, disability justice, and reproductive justice. These policy recommendations are meant to provide a guide for policy makers and advocates alike on advocacy for gun violence prevention from a progressive, intersectional perspective. In this policy brief, we have identified 10 recommendations for addressing our nation's gun violence epidemic.

LGBTQ people are [more likely](#) than non-LGBTQ people to be victims of gun violence because of bias-related incidents as well as abusive law enforcement practices, such as use of excessive force and racial profiling. Although our country's history is stained with particularly horrific tragedies, including the Pulse, Parkland, and the Sandy Hook massacres, people are harmed and killed by gun-related violence every single day. Yet gun violence victims who live in predominantly Black and brown communities receive much less attention from policymakers and the news media than the victims of mass shooting incidents. For those of us who are Black, brown or queer, we must also confront gun violence within the context of reproductive justice, as in the right to parent, the right to not parent, and the right to parent the children we have in a healthy and safe environment. For us parenting may be denied, delayed or interrupted because of the pervasiveness of gun violence in our lives. It is also true that in this country, abortion providers have been murdered by guns just for performing a safe and legal procedure. Our advocacy must include these forgotten populations. We cannot normalize the gun violence LGBTQ communities and people of color experience daily.

As caring community members, policy makers and advocates, we must act now and take steps to ensure our current gun violence reforms are inclusive of everyone. The uni-focused approach, which stereotypes actionable gun violence prevention efforts exclusively in white, suburban areas, is not only too unsophisticated for the current circumstances of these times, but is dangerously ineffective. We can address gun violence effectively when we critically examine racism and other forms of discrimination. However, current dominant narratives, which drive policy decisions, result in lives being lost. It is time for the public health community, the racial justice community, the disability justice community, and the LGBTQ community to come together on policy approaches that reflect today's current reality.

Our proposals are aligned with the principles outlined by disability justice advocates. We present this forward-thinking proposal that grapples with the need to address the public's safety concerns without compromising the dignity and freedoms of people with mental illness. In producing this policy brief, it is our hope that stakeholders including community members, policy leaders, advocates and media will examine these issues through the wide and intersectional lens of our analysis.



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1. Challenge police violence through demilitarization.

Numerous deaths of LGBTQ people of color, especially but not limited to Black, Latinx and Indigenous people, and/or people with disabilities, are [caused by law enforcement](#) agencies and officers' use of service weapons. Deaths like those of Philando Castile and Alton Sterling, both Black disabled men, demonstrate the need for gun violence prevention advocacy. Police brutality is only accentuated and worsened by the acquisition of military-grade weapons and the culture of militarization that foment within police departments. Weapons of war do not belong in the hands of civilian police departments. We recommend greater oversight and curtailing of the Department of Defense's grants programs that provide military equipment to police departments and strongly support ending, or severely reducing in the short-term, the possession of military-grade weaponry by regular police departments. We also call for meaningful controls and restrictions on the use of "no-knock" warrants, the employment of SWAT teams and other tactical units for the enforcement of non-violent offenses, and other militarized police tactics.

2. Repeal Stand Your Ground or Shoot First laws.

Historically, legal tradition required a person under threat to retreat as much as possible first ("duty to retreat") before granting legal protection for use of deadly force, except under the castle doctrine, which permitted deadly force without a duty to retreat if the threat occurred inside one's own home. Stand Your Ground or Shoot First laws expand castle doctrine to permit deadly force outside the home. In the states where they have been enacted, these laws have only served to encourage gun violence by providing immunity from criminal liability in many circumstances. Additionally, these laws are often applied inconsistently, with white people being more likely to be exonerated by courts than people of color who are more likely to be nonetheless convicted (such as Marissa Alexander and Ky Peterson), thus emboldening claims of "self-defense" following gun violence arising from racial profiling as in the case of Trayvon Martin. We recommend the repealing of Stand Your Ground laws and policies in states that have them, and working to defeat any proposed bills of the same nature.



3. Do not insert mental illness or disability into gun violence policy-making.

Linking mental health to gun violence is a [myth](#) that must be put to rest, and we are committed to countering the shaming of people with mental health issues from all sides in the gun debate.

As an intersectional progressive organization, the National LGBTQ Task Force is a strong supporter of disability rights (including the rights of people with psychiatric disabilities and mental illness, or who identify as mad), and believes that advocacy around mental health should be led by and for people with lived experience as consumers and patients.

Policies that single out people with mental illnesses or psychosocial disabilities, such as tying mental health reform advocacy to gun violence prevention advocacy, stigmatize people with mental illnesses/psychosocial disabilities as violent, and are not effective. That stigma directly causes many harms including increased stereotyping, medical discrimination, heightened risk of police violence, and lower likelihood that people who would like to access supports, services, or treatments will seek them out. Even mention of mental health reform in the context of gun control and gun violence prevention is stigmatizing and harmful. Measures such as law enforcement registries of people with mental illness or who have been institutionalized, increased police access to mental health treatment records, imposition of a psychological or psychiatric evaluation in the gun purchasing process, or increased funding for assisted outpatient treatment (a form of coercive treatment) will not curb gun violence but will add to pervasive stigma, and will establish dangerous precedents on the legal rights of people with disabilities.

As such, we advocate strongly against any use of mental health as a criteria or category related to gun ownership or gun violence prevention. We recommend that when discussions of mental health arise, they are referred and moved to other forums unrelated to gun violence prevention because the use of mental health within this context will generally imply the outdated and mistaken notion that mental illness and psychiatric disabilities lead to violence, and by extension harm people with disabilities.



4. Do not use the No Fly list as a criteria for gun ownership.

Multiple proposals call for the passage of bills popularly known as “No Fly, No Buy.” Such a statute would prevent the legal purchasing or ownership of firearms from persons who are on a “No Fly” list, or any other terrorism watch lists maintained by federal law enforcement and intelligence agencies. In reality, No Fly lists and terror watch lists are already steeped in racism and prejudice about Islam and Muslims in particular. This policy proposal would not only disproportionately impact Black, South Asian, and Middle Eastern people, whether or not they are Muslim, as well as Muslims of any race, but would also be [ineffective](#) at actually stopping gun violence. The No Fly list should not be allowed to exist in its current form, let alone be given more strength.

5. Encourage gun buy-back programs.

We encourage the establishment and funding of voluntary gun buy-back programs that do not penalize anyone for turning in a gun (whether they possessed it legally, illegally, or prior to becoming ineligible to possess the gun) while providing a strong financial incentive to do so. We recommend buy-back programs that target specific types of particularly dangerous guns with higher financial incentives at least succeed in removing some types of guns from public access.

6. Pass laws requiring safe storage or locking of guns.

We advocate for the inclusion of the requirement that guns are stored safely when not in use and the requirement that gun locks are included in the sale of any gun in any state's law that directly target the use of firearms and require their responsible use. Safe storage laws, and licensure of facilities to store guns offsite for gun owners, can diminish risk of accidental shootings and prevent unauthorized people from accessing someone's legally owned firearms. Safe storage laws should not impose jail time or punitive fines, but could instead be paired with assumption of civil liability for failure to comply that leads to physical harm.

7. Prohibit domestic abusers from gun ownership.

Unlike mental health, domestic violence is an [actual predictor of gun violence](#). Domestic violence correlates strongly with further violent behavior (threats, injury, and killings by abusers who have firearms, especially against women survivors) that contributes to overall gun violence. While the Brady Handgun Violence Prevention Act and NICS Improvement Prevention Act preclude anyone with a misdemeanor conviction for domestic violence from purchasing or receiving firearms, there is no procedure or mandate under federal law for people who owned firearms prior to a misdemeanor conviction or receipt of a protection order to then surrender their firearms. We strongly support the closing of these loopholes and the passing of laws that prohibit domestic abusers from possession of firearms both at the state and federal levels.

8. Restrict sales of assault weapons and certain types of ammunition.

We recommend the banning of ammunitions and assault weapons that have no place in civilian settings. Certain types of ammunition, such as armor-piercing handgun ammunition, 50 caliber rounds, and hollow-point bullets are extremely dangerous and unnecessary for self-defense, hunting, or target shooting. We support effective laws that limit and prevent access through banning manufacture, transfer, purchase, or possession. Likewise, high capacity magazines, that allow a shooter to expend more bullets before needing to stop to reload the weapon, have contributed far more to the body counts in deadly mass shootings than use of assault weapons.

9. Avoid over reliance on criminal background checks - focus on histories of violence.

We support limited use of background checks as a tool for screening potential gun owners insofar as they focus on proven predictors of violence, such as criminal records pertaining to violent offenses, including domestic violence. We do not support the inclusion of non-violent offenses into pre-purchase background checks because it risks accentuating and enhancing the racial biases that already exist in the criminal legal system and would thus disproportionately impact people of color, especially Black, Latinx and Indigenous people.

10. Enact legislation for extreme risk protection orders that are tailored to focus on predictors of violence.

We support the enactment of extreme risk protection orders legislation that allow courts to temporarily take away a person's firearm, when the court can determine that the person is a danger to self or others, by considering factors such as documented threats by the person in question, domestic violence proceedings, and other factors that are effective predictors. In order to prevent disability discrimination from happening, such legislation should be tailored so as to bar the courts from considering health records, or any health conditions and disabilities (physical, psychiatric, or otherwise) as evidence or factors.