



# Ensuring a Smart Approach to Prevent Gun Suicides by Military Veterans

July 6, 2015

Congress and the administration must take a thoughtful approach to appropriately balance veterans' Second Amendment rights with ensuring that severely mentally ill veterans who pose a danger to themselves or to others do not have access to firearms.

## *Veterans commit suicide at rates significantly higher than the civilian population*

- Approximately 22 veterans commit suicide each day.<sup>1</sup>
- The rate of suicide among veterans is two times higher than that of the civilian population.<sup>2</sup>

## *Firearms play a significant and disproportionate role in these tragic deaths*

- Between 2001 and 2011, nearly 70 percent of suicides among male veterans were committed with a firearm.<sup>3</sup>
- At least 85 percent of suicide attempts with a firearm are fatal, compared with a 5 percent fatality rate for other means of attempting suicide.<sup>4</sup>

## *Congress and the administration have taken steps to ensure the safety of veterans by limiting access to guns for those suffering from severe mental illness*

- Current federal law prohibits individuals who have “been adjudicated as a mental defective or have been committed to any mental institution” from buying and possessing guns.<sup>5</sup>
- Regulation has defined this category to include individuals who have been found by an administrative body to “lack the mental capacity to contract or manage his own affairs” due to mental illness or other form of incompetency.<sup>6</sup>
- The U.S. Department of Veterans Affairs, or VA, has determined that this category includes veterans found to be financially incompetent by the VA.<sup>7</sup>
- Since 1998, the VA has provided the names of individuals found to be mentally incompetent using this standard to the FBI for inclusion in the National Instant Criminal Background Check System, or NICS.<sup>8</sup>
  - As of May 1, 2013, the VA has reported 170,646 veterans to NICS using this standard.<sup>9</sup>

The number of veteran suicides between 2005 and 2011—49,000—is **nine times greater** than the number of U.S. soldiers killed in combat during the wars in Iraq and Afghanistan combined—5,352.<sup>12</sup>



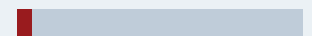
**Percentage of suicide attempts with a firearm that are fatal:**

**85%**



**Percentage of suicide attempts using other methods that are fatal:**

**5%**



*The Veterans 2nd Amendment Protection Act, or H.R. 2001, would reverse the VA's current approach without offering an alternative process for ensuring that veterans who are seriously mentally ill do not have easy access to guns*

- This legislation would establish that most VA financial incompetency determinations would no longer be considered an adjudication of mental illness and therefore no longer prohibit veterans subject to such a determination from possessing a firearm.<sup>10</sup>
- This approach is deeply flawed, as it would remove most of the names that the VA has already referred to the FBI for inclusion in NICS and allow these individuals to buy or possess guns despite many suffering from a serious mental illness that renders them a danger to themselves or others.
  - A significant proportion of the veterans in this category suffer from serious mental illness, including dementia, schizophrenia, major depressive disorder, or bipolar disorder.<sup>11</sup>

*Efforts to modify or reform the current process for determining which veterans should be prohibited from gun possession should take a thoughtful and nuanced approach*

- Rather than simply eliminating the current practice of information sharing between the VA and NICS, alternatives should be explored that would more appropriately balance veterans' Second Amendment rights with ensuring that mentally ill veterans who pose a danger to themselves or to others do not have access to firearms.
- A key to balancing these rights is ensuring that veterans are given sufficient notice and an opportunity to be heard prior to having their gun rights rescinded, as well as a meaningful opportunity to appeal any such decision.

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## Endnotes

1 Janet Kemp and Robert Bossarte, "Suicide Data Report, 2012" (Washington: U.S. Department of Veteran Affairs, 2012), available at <http://www.va.gov/opa/docs/suicide-data-report-2012-final.pdf>.

2 Jeff Hargarten and others, "Veteran Suicides Twice as High as Civilian Rates," News21, August 24, 2013, available at <http://backhome.news21.com/article/suicide/>.

3 Janet E. Kemp, "Suicide Rates in VHA Patients through 2011 with Comparisons with Other American and other Veterans through 2010" (Washington: Veterans Health Administration, 2014).

4 Harvard T.H. Chan School of Public Health, "Firearm Access is a Risk Factor for Suicide," available at <http://www.hsph.harvard.edu/means-matter/means-matter/risk/> (last accessed May 2015).

5 18 U.S.C. § 922(d) (4), (g) (4).

6 27 C.F.R. § 478.11.

7 U.S. Department of Veterans Affairs, "Fiduciary," available at <http://www.benefits.va.gov/fiduciary/beneficiary.asp> (last accessed June 2015).

8 Ibid.

9 U.S. Department of Justice, *Report to Congress Pursuant to Requirements of the NICS Improvement Amendments Act of 2007 (P.L. 110-180)* (2013), Appendix C, "NICS Index (as of May 1, 2013):"

10 *Veterans 2nd Amendment Protection Act*, H.R. 2001, 114 Cong. 1 sess. (Government Printing Office, 2015).

11 Data provided by the U.S. Department of Veterans Affairs to congressional staff, April 2015.

12 Hargarten and others, "Veteran Suicides Twice as High as Civilian Rates"; U.S. Department of Defense, *U.S. Casualty Status Fatalities* (2015), available at <http://www.defense.gov/news/casualty.pdf>.