

No. 23-1351

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

MARYLAND SHALL ISSUE, INC., *et al.*,

Plaintiff-Appellant,

v.

ANNE ARUNDEL COUNTY MARYLAND,

Defendant-Appellee.

On Appeal from the United States District Court for the
District of Maryland (No. 1:22-cv-00865-SAG)

**BRIEF OF *AMICI CURIAE* THE BRADY CENTER TO PREVENT GUN
VIOLENCE, MARYLANDERS TO PREVENT GUN VIOLENCE, TIM
CAREY, AND KELLY ROSKAM IN SUPPORT OF APPELLEE AND
AFFIRMANCE**

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DISCLOSURE OF CORPORATE AFFILIATIONS AND OTHER ENTITIES WITH A DIRECT FINANCIAL INTEREST

Under Federal Rule of Appellate Procedure 26.1 and Local Rules 26.1(a)(2)(A) and (a)(2)(C), the Brady Center to Prevent Gun Violence (Brady) is a non-profit, tax-exempt organization. It has no parent corporations. It has no stock, and therefore no publicly held company or similarly situated legal entity owns 10% or more of its stock.

Marylanders to Prevent Gun Violence is a non-profit organization. It has no parent corporations. It has no stock, and therefore no publicly held company or similarly situated legal entity owns 10% or more of its stock.

Tim Carey and Kelly Roskam are individuals signing in their own capacities. They are therefore not subject to any corporate disclosure requirement.

Under Local Rule 26.1(a)(2)(B), Brady, Marylanders to Prevent Gun Violence, Tim Carey, and Kelly Roskam certify that they are unaware of any publicly held corporation or similarly situated legal entity, that has a direct financial interest in the outcome of the litigation by reason of a franchise, lease, other profit sharing agreement, insurance, or indemnity agreement.

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INTERESTS OF AMICI CURIAE

Amici curiae are the Brady Center to Prevent Gun Violence, Marylanders to Prevent Gun Violence, and Tim Carey and Kelly Roskam of the Johns Hopkins University Bloomberg School of Public Health Center for Gun Violence Solutions (who are signing in their individual capacities).¹

Amicus Brady Center to Prevent Gun Violence (“Brady”) is the nation’s most longstanding nonpartisan, nonprofit organization dedicated to reducing gun violence through education, research, and legal advocacy. Brady has a substantial interest in ensuring that the Constitution is construed to protect Americans’ fundamental right to live. Brady works across Congress, courts, and communities, uniting gun owners and non-gun-owners alike, to take action to prevent gun violence. Brady has filed amicus briefs in many cases involving the regulation of firearms, including *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *United States v. Price*, No. 22-4609 (4th Cir. Dec. 22, 2022). *See also Watson v. Wheeler*, No. 2022-EPO-00007 (D.C. Super. Ct., Dom. Viol. Div. Sept. 7, 2022).

¹ All parties have consented to the filing of this brief. No counsel for a party authored this brief in whole or in part, and no person other than *amici* or their counsel made any monetary contributions intended to fund the preparation or submission of this brief.

Brady focuses on, among other things, the very issue that the County's pamphlet addresses: suicide prevention and education and conflict resolution. For example, *Amicus* Brady has established a Suicide Prevention Day (September 13) and posted on its site resources for communicating about suicide by firearms, including its reports and podcasts.²

Brady emphasizes education, among other tools, "to ensure that every community is safe, not only from mass shootings, but also from the daily toll of gun homicide, domestic violence [and] *suicide* . . . that plagues so many communities."³ (emphasis added). Brady has filed amicus briefs in cases involving the very issues that the County's literature on gun violence education addresses, such as safe storage of firearms. *See, e.g., City of Edmonds v. Bass*, Slip. Op. No. 99596-6 (*en banc*) (Wash. S. Ct. Apr. 21, 2022).

Likewise, Brady has extensive knowledge and experience on the benefits of safe firearms storage, particularly in the home. Brady's website (bradyunited.org) devotes an entire section to the subject, reaffirming that gun owners are an essential part of the solution and can save lives by practicing safe firearm storage,

² *See Brady Calls for Attention to Gun Suicide Epidemic by Founding Firearm Suicide Prevention Day*, BRADY, <https://www.bradyunited.org/press-releases/founding-firearm-suicide-prevention-day> (last visited July 10, 2023).

³ *About Brady*, BRADY, <https://www.bradyunited.org/about> (last visited July 10, 2023).

including by keeping guns locked, unloaded, separate from ammunition, and inaccessible to children. For example, Brady's website emphasizes:

- Access to guns in the home increases the risk of suicide by 300%;
- 51 percent of all suicide fatalities are by firearm and 60 percent of all gun deaths are suicides; and
- A relatively modest increase in safe storage - locking all household firearms - could reduce firearm suicide and unintentional firearm fatalities among youth by up to 32 percent.

Brady also stresses the public health implications of gun violence. "Brady's Comprehensive Plan" recognizes gun violence as a "public health crisis" and urges funding for federal research into this epidemic.⁴

In addition, Brady focuses on promoting alternatives to gun violence as ways of resolving conflicts. Brady is a founding member of the "Firearms Accountability Counsel Task Force,"⁵ which addresses the epidemic of gun violence not only through legal advocacy, but also through assisting several community-based violence interruption programs with their legal needs.⁶

⁴ *Brady's Comprehensive Plan*, BRADY <https://s3.amazonaws.com/brady-static/globals/BradyPolicyApproach.pdf> (last visited July 10, 2023).

⁵ See FIREARMS ACCTY. COUNS. TASKFORCE, <https://firearmsaccountability.org/> for a description of the task force and its mission.

⁶ See discussion *infra*, at 20-26, for a discussion of the growing use of community-based violence interruption programs to resolve conflicts without the use of force.

Amicus Marylanders to Prevent Gun Violence (“MPGV”) is the state-level nonprofit organization dedicated to reducing gun violence through evidence-based solutions within Maryland. MPGV’s work addresses gun violence in all its forms, from suicide, to intimate partner homicides, to mass shootings, to the daily shootings that plague disadvantaged communities. The organization advocates for evidence-based policies to reduce gun injuries and deaths and prioritizes strategies that support community-led implementation of programs.⁷ MPGV led a five-year effort to strengthen Maryland’s child access prevention law which will go into effect in October 2023 and includes education in and around safe storage and youth suicide prevention. In addition to strengthening Maryland’s laws and closing loopholes in gun access, MPGV continuously analyzes the implementation of gun laws to ensure optimum effectiveness. It educates the public and lawmakers on gun violence prevention by leading forums on existing laws and data and hosting advocacy sessions on Maryland policies. It empowers youth and impacted communities to raise their voices, and works with partners to address the root causes of violence. MPGV collaborates with partner groups to create a united gun violence prevention front and amplify messaging with a thoughtful, fact-based approach. In addition, MPGV leads a statewide Maryland Violence Prevention

⁷ See MARYLANDERS TO PREVENT GUN VIOLENCE, <https://mdpgv.org> (last visited June 20, 2023).

Coalition that includes members of community-based violence interruption programs.⁸

Amicus Tim Carey is an attorney with years of experience advocating, educating, and innovating in the issue area of gun violence prevention through the dual lenses of public health and equity. His work is dedicated to creating a happier and healthier America by developing and defending laws that promote civil rights and the public good.

Amicus Kelly Roskam is a Director of Law and Policy at the Johns Hopkins Center for Gun Violence Solutions. Ms. Roskam has worked in gun violence prevention for over a decade drafting, analyzing, advocating for, and implementing gun violence prevention policy. She received her JD from the Pennsylvania State University Dickinson School of Law and her BA in History and Political Science from the University of St. Thomas in St. Paul, Minnesota.

⁸ See MD. VIOLENCE PREV. COAL., <https://mdpgv.org/coalition/> (last visited July 10, 2023) (“Maryland Violence Prevention Coalition is a Coalition of organizations with a joint mission of reducing violence and improving living conditions across Maryland. Using a community-led approach, [it] seek[s] to empower the voices often neglected and educate elected officials and the public about urgent community needs.”).

INTRODUCTION AND SUMMARY OF ARGUMENT

This appeal centers on the constitutionality of an ordinance enacted by Anne Arundel County, Maryland (“the County”) requiring gun shop owners to provide literature to firearms customers regarding suicide prevention and nonviolent conflict resolution. Plaintiffs (including four gun retailers and a non-profit gun owners’ organization) sued, challenging the ordinance as compelled speech under the First Amendment. The federal district court upheld the constitutionality of the ordinance, finding that the pamphlets at issue are reasonably related to the County’s interest in preventing suicide and violence and do not infringe the plaintiffs’ First Amendment rights.⁹

This brief focuses not on the constitutional issues, but rather on the underlying matter addressed by the County’s ordinance. *Amici* are organizations and individuals dedicated to gun violence prevention and education. They have in-depth expertise in the specific issues that the literature at issue addresses, including suicide prevention and nonviolent conflict resolution.

Amici offer empirical evidence, studies, and public health experience bearing on this case. This brief, which concentrates on suicide prevention and educating the public about the alternatives to gun violence, should thus be useful to the

⁹ *Maryland Shall Issue, Inc. v. Anne Arundel County*, Civil Case No: SAG-22-00865 (D. Md. Mem. Op. Mar. 21, 2023).

Court. It cites and discusses numerous publicly accessible studies and publications on these subjects, of which the Court can take judicial notice.

ARGUMENT

I. Gun Violence Poses A Public Health Crisis

Amici make this submission in the context of a growing concern nationwide about gun violence. The prevalence of shootings in the United States poses a public health crisis. As the American Public Health Association observes:

In the United States, gun violence is a major public health problem and a leading cause of premature death. Preventing death, disability and injury from gun violence requires a public health approach that involves data collection and surveillance, [and] research to understand which policies and programs are effective in decreasing gun violence[.]¹⁰

Consistent with this approach, on June 14, 2016, the American Medical Association (“AMA”) adopted a policy calling gun violence in the United States “a public health crisis requiring a comprehensive public health response and

¹⁰ *Gun Violence is a Public Health Crisis*, AM. PUB. HEALTH ASS’N, https://www.apha.org/-/media/files/pdf/factsheets/200221_gun_violence_fact_sheet.ashx (last visited July 10, 2023); see also David J. Skorton, *At the Crossroads: Addressing Gun Violence as a Public Health Crisis*, ASS’N AM. MED. COLLS. (June 2, 2022), <https://www.aamc.org/news/crossroads-addressing-gun-violence-public-health-crisis> (“The idea that the scourge of shootings is a public health crisis is, increasingly, widely recognized among medical professionals.”).

solution.”¹¹ This policy was adopted in light of the Pulse Nightclub shooting—one of the worst mass shootings in American history—and after the U.S. saw more than 6,000 deaths by gun violence by June of that year alone.¹²

Case law also recognizes the devastating effects of gun violence at the state level and nationally. *See United States v. Carter*, 669 F.3d 411, 415 (4th Cir. 2012) (“Placed in the wrong hands, firearms present a grave threat to public safety.”); *Woollard v. Gallagher*, 712 F.3d 865, 876 (4th Cir. 2013) (“[A] high percentage of violent crimes committed in the State [of Maryland] involve[] the use of handguns”); *RSM, Inc. v. Herbert*, 466 F.3d 316, 324 (4th Cir. 2006) (“[T]he ease with which any person can acquire firearms . . . is a significant factor in the prevalence of lawlessness and violent crime in the United States.”) (citation omitted).

The County’s pamphlets provide solutions to this public health problem. The first pamphlet, entitled “Firearms and Suicide Prevention,” examines risk factors associated with suicide, early warning signs, and suicide prevention, including safely storing and protecting firearms when they are not in use. The second pamphlet provides information concerning County resources for suicide

¹¹ *See AMA Calls Gun Violence “A Public Health Crisis”*, AM. MED. ASS’N (June 14, 2016), <https://www.ama-assn.org/press-center/press-releases/ama-calls-gun-violence-public-health-crisis>.

¹² *Id.*

prevention, including mental health resources and crisis counselors. It also includes resources for resolving conflicts and disagreements peacefully. *See* JA0791.

II. Empirical Evidence Shows That Access to Guns Significantly Increases the Risk and Lethality of Suicide Attempts

The use of firearms correlates directly to an increased risk of death by suicide, for the simple reason that firearms are a highly accessible and lethal means of ending one's life.

A. Data County-Wide, State-Wide, and Nationwide

In Anne Arundel County, the use of firearms is the most frequent method of suicide, and gun suicides are a major cause of death.¹³ Data collected by the County shows that between 2014 and 2018, an average of 63 percent of all suicides—the highest proportion of all such deaths—were annually carried out using a firearm.¹⁴

Similarly, in Maryland as a whole, suicides by firearms in 2018 accounted for a significantly higher number of self-inflicted deaths than those by other

¹³ *Suicide Prevention Toolkit*, ANNE ARUNDEL CNTY. DEP'T OF HEALTH (2023), <https://aahealth.civilspace.io/en/projects/suicide-prevention-toolkit>. As of 2017, suicide was the eighth leading cause of death in the County. *Id.*

¹⁴ Jennifer Barnhart et al., *Anne Arundel County Report of the Gun Violence Prevention Task Force*, ANNE ARUNDEL CNTY. OFF. CNTY. EXEC. 21 (June 5, 2020), <https://www.aacounty.org/boards-and-commissions/gun-violence-task-force/reports/fina-report-20200605.pdf>.

methods—for example, suicides by sharp force/cutting or blunt force.¹⁵ And, between 2014-2018, suicide by firearms in the state resulted in between 217-277 deaths annually.¹⁶ The toll on life taken by firearm suicides is increasing. According to the most recent Centers for Disease Control and Prevention (the “CDC”) mortality data available, there were 310 firearm suicides in Maryland in 2021.¹⁷

Nationwide, the majority of lives lost to firearms are attributed to suicide.¹⁸ Suicide deaths by firearm are at the highest levels ever recorded by the CDC.¹⁹ Between 2000 and 2021, the number of suicide deaths increased 36 percent, reaching the highest peak in 2021—with 26,328 lives lost.²⁰

¹⁵ STATE OF MD., ANNUAL REPORT OF THE CHIEF MEDICAL EXAMINER at 6 (2018), <https://health.maryland.gov/ocme/SiteAssets/Pages/Reports/2018%20Annual%20Report.pdf#search=suicides> (identifying one suicide via blunt force compared to 212 suicides resulting from a gunshot wound).

¹⁶ *Id.* at 15.

¹⁷ Ari Davis et al., *U.S. Gun Violence in 2021: An Accounting of a Public Health Crisis*, JOHNS HOPKINS BLOOMBERG SCH. OF PUB. HEALTH CT’R FOR GUN VIOLENCE SOLUTIONS at 33, appx. 7 (June 2023), <https://publichealth.jhu.edu/sites/default/files/2023-06/2023-june-cgvs-u-s-gun-violence-in-2021.pdf> [hereinafter *U.S. Gun Violence in 2021*, JOHNS HOPKINS].

¹⁸ *Id.* at 5.

¹⁹ *Id.* (noting that the Centers for Disease Control and Prevention began recording firearm suicide data in 1968).

²⁰ *Id.*; see also *Facts About Suicide*, CTRS. FOR DISEASE CONTROL AND PREV. <https://www.cdc.gov/suicide/facts/index.html> (last updated May 2023).

Firearms were the leading means of suicide deaths in 2021, making up 55 percent of all such suicide deaths.²¹ From 2019 to 2021, the overall rate of suicide by firearm increased by 10 percent, while the non-firearm suicide rate decreased by 8 percent.²²

Suicides by firearms far outpace those by other means such as suffocation and poisoning.²³ Indeed, in 2021, the incidence of suicide by firearm was more than double the number of suicides by suffocation and more than four times the amount of suicides by poison.²⁴ While Plaintiffs' expert witness asserts that "there's no significant difference in the fatality rates or case fatality rates of suicide attempts by hanging and suicide attempts by firearms,"²⁵ documented findings refute this statement. According to a recent study, on average, 89.6 percent of

²¹ *U.S. Gun Violence in 2021*, JOHNS HOPKINS, at 10.

²² *Id.* at 7.

²³ *Suicide and Self-Harm Injury*, CTRS. FOR DISEASE CONTROL AND PREV. NAT. CTR. FOR HEALTH STATS., <https://www.cdc.gov/nchs/fastats/suicide.htm> (last visited July 10, 2023) (noting that in 2021 there were 26,328 firearm suicides, 12,431 suffocation suicides, and 5,568 drowning suicides). *See also* Linda Carroll, *Suicide Most Lethal Suicide Method by Far in the U.S.*, REUTERS (Dec. 2, 2019), <https://www.reuters.com/article/us-health-suicide-guns-idUSKBN1Y62FD> ("Drug poisoning accounted for 59.4% of suicide attempts but only 13.5% of deaths, while firearms and hanging accounted for 8.8% of attempts, but 75.3% of deaths.") [hereinafter, Carroll, *Most Lethal Method*].

²⁴ *Suicide and Self-Harm Injury*, CTRS. FOR DISEASE CONTROL AND PREV. NAT. CTR. FOR HEALTH STATS. <https://www.cdc.gov/nchs/fastats/suicide.htm>.

²⁵ Brief of Appellants, Corrected, at 31, *Maryland Shall Issue v. Anne Arundel County*, No. 23-1351 (Filed May 15, 2023).

suicide attempts with firearms result in death while suicide attempts by hanging result in death 52.7 percent of the time, a statistically significant difference.²⁶

B. Access to Firearms at Home Correlates with a Higher Suicide Risk

The high number of firearm suicides are not spread across the population equally; several recent studies find that they are concentrated among individuals who own a firearm or who live in a home where a firearm is present. Specifically, a 2020 Stanford Medicine study found that men who owned handguns were eight times more likely to die of self-inflicted gunshot wounds than men who did not own handguns.²⁷ Women who owned handguns were 35 times more likely to die of self-inflicted wounds than their non-gun owning counterparts. This study tracked more than 26 million California residents over a 12-year period.²⁸

And, another recent study conducted by the Harvard T.H. Chan School of Public Health (T.H. Chan School) found that adolescents who died by suicide were twice as likely to have a gun at home than either of the other two groups studied.²⁹

²⁶ See Carroll, *Suicide Most Lethal Method*, supra note 23.

²⁷ Beth Duff-Brown, *Handgun Ownership Associated with Much Higher Suicide Risk*, STANFORD MED. (June 3, 2023), <https://med.stanford.edu/news/all-news/2020/06/handgun-ownership-associated-with-much-higher-suicide-risk.html>.

²⁸ *Id.*

²⁹ *Firearm Access is a Risk Factor for Suicide*, MEANS MATTER, HARV. T.H. CHAN SCH. PUB. HEALTH, <https://www.hsph.harvard.edu/means-matter/means-matter/risk/> (last visited July 10, 2023).

This study examined three groups of adolescents: suicide decedents, inpatient attempters, and psychiatric inpatients who had never attempted suicide.³⁰

Gun violence more generally is facilitated by easy access to a firearm in a moment of crisis. A third investigation, reported in *Time* magazine last year, concluded that “People living with handgun owners died by homicide at twice the rate of their neighbors in gun-free homes.”³¹ Specifically, this investigation found that “people living with handgun owners were seven times more likely to be shot by their spouse or intimate partner [than those living in homes without guns].”³²

These three recent data points build upon three decades of similar findings. Between 1997 and 2016, numerous additional studies all came to the same conclusion: the ready accessibility of a firearm in the home makes death by gun violence considerably more likely. That is: “the presence of a gun in the home or purchase of a gun from a licensed dealer is a strong risk factor for suicide.”³³ This risk factor extends not only to the purchaser but to all members of the household

³⁰ *Id.*

³¹ David Studdert, *Owning Guns Put People In Your Home at Greater Risk of Being Killed, New Study Shows*, *TIME* (June 3, 2022), <https://time.com/6183881/gun-ownership-risks-at-home>.

³² *Id.*

³³ Deborah Azrael & Matthew J. Miller, *Reducing Suicide Without Affecting Underlying Mental Health: Theoretical Underpinnings and a Review of the Evidence Base Linking the Availability of Lethal Means and Suicide*, in *THE INT’L HANDBOOK OF SUICIDE PREVENTION*, 653 (Rory C. O’ Connor, Jane Pirkis 2nd ed. 2016) (internal citations omitted) [hereinafter Azrael, *REDUCING SUICIDE*].

where the gun is stored, including children.³⁴ Judicial findings are to the same effect. *See, e.g., Jackson v. City & Cnty. of San Francisco*, 746 F.3d 953, 965 (9th Cir. 2014) (“[h]aving a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death, ‘ . . . [g]uns kept in the home are most often used in suicides and against family and friends rather than in self-defense” (quoting S.F., Cal., Police Code art. 45, §§ 4511 (2), (4)).

Suicide is correlated with owning or living in a home with a gun in part because of how impulsive and “fleeting” suicidal crises often are.³⁵ One 2021 study concluded that 36 percent of individuals surveyed who were hospitalized after a suicide attempt reported a suicidal deliberation for less than five minutes before taking action.³⁶ Another study found that half of suicide attempters thought about it for ten minutes or less before an attempt.³⁷

³⁴ *Id.*

³⁵ *Id.* at 638; *See also Attempters’ Longterm Survival*, MEANS MATTER, HARV. T.H. CHAN SCH. PUB. HEALTH, <https://www.hsph.harvard.edu/means-matter/means-matter/survival/> (last visited July 10, 2023) (“suicidal crises are often-short lived, even if there may be underlying, more chronic factors present that give rise to these crises.”) [hereinafter *Attempters’ Longterm Survival*, MEANS MATTER].

³⁶ Laura Paashaus et al., *From Decision to Action: Suicidal History and Time Between Decision To Die and Actual Suicide Attempt*, 28 CLIN. PSYCHOLOGY & PSYCHOTHERAPY 1427 (2021).

³⁷ *Duration of Suicidal Crises*, MEANS MATTER, HARV. T.H. CHAN SCH. OF PUB. HEALTH, <https://www.hsph.harvard.edu/means-matter/means-matter/duration/#Simon2005> (last visited July 10, 2023) (citing Eberhard A. Deisenhammer et al., *The Duration of the Suicidal Process: How Much Time is Left for Intervention Between Consideration and Accomplishment of a Suicide Attempt?*, 70 J. CLIN. PSYCHIATRY. 19 (2008)).

The exceedingly brief nature of most suicidal crises can be seen in the low rates of future attempts for individuals who survive a first attempt. Critically, 90 percent of individuals who attempt suicide do not go on to die by suicide later in their life.³⁸ And, up to seventy percent of individuals who make one attempt will never make another attempt.³⁹ Thus, because many suicidal crises are brief and pass within minutes, reducing access to the most lethal means of suicide—including firearms—reduces the overall suicide rate.⁴⁰

C. The Use of Firearms Is Especially Lethal

With mere minutes from decision to action in many instances, readily accessible firearms increase the odds that an individual's suicide attempt will be fatal.⁴¹ A widely cited 2019 study examining suicidal acts that resulted in death, hospitalization, or an emergency room visit found that approximately 8.5 percent

³⁸ *Attempters' Longterm Survival*, MEANS MATTER, *supra* note 35.

³⁹ *Id.*

⁴⁰ Catherine W. Barber & Matthew Miller, *Reducing a Suicidal Person's Access to Lethal Means of Suicide: A Research Agenda* 47 AM. J. PREV. MED. 264, 265 (2014); *see also Restricting Access to Lethal Means*, SAVE, <https://save.org/about-suicide/preventing-suicide/reducing-access-to-means/> (last visited July 8, 2023).

⁴¹ *See Safe Storage*, AM. BAR ASS'N (Feb. 16, 2020), https://www.americanbar.org/groups/public_interest/gun_violence/policy/20m107c/; *see also Leigh Paterson, How Do You Get Gun Owners to Give Up Their Guns During Crisis? Ask.*, GUNS AND AM. (Sept. 29, 2020), <https://gunsandamerica.org/story/20/09/29/craig-colorado-gun-suicide-red-flag-storage-mountain-west/>).

of suicide attempts are fatal; in contrast, almost 90 percent of suicide attempts involving the use of a firearm are fatal.⁴²

As these data show, firearms are particularly lethal in suicide attempts. Unlike some other means of suicide attempts, such as overdose, drug poisoning, hanging or suffocation, firearms do not “provide a window of opportunity for rescue or change of heart.”⁴³ Instead, firearms are “an irreversible solution to what is often a passing crisis.”⁴⁴

Thus, readily available firearms put individuals facing an acute suicidal crisis at heightened risk of death.⁴⁵ See *Torcivia v. Suffolk Cnty., New York*, 17 F.4th 342, 360 (2d Cir. 2021), *cert. denied*, 143 S. Ct. 438 (2022) (“The District Court also persuasively detailed the troubling role of firearms in connection with suicide The temporary removal of firearms in situations with heightened risk of domestic violence or suicide may reduce the risk of such tragic consequences.”); *Mai v. United States*, 952 F.3d 1106, 1116 (9th Cir. 2020) (“[f]irearms also greatly increase the risk of death by suicide.”).

⁴² Andrew Conner et al., *Suicide Case-Fatality Rates in the United States, 2007 to 2014: A Nationwide Population-Based Study*, 171 ANNALS OF INTERNAL MED. 885 (Dec. 2019) [hereinafter Conner, *Suicide Case-Fatality Rates*].

⁴³ Catherine A. Barber & Matthew J. Miller, *Reducing a Suicidal Person’s Access to Lethal Means of Suicide*, 47 AM. J. PREV. MED. 264, 265 (2014).

⁴⁴ Madeline Drexler, *The Hidden Toll*, HARV. PUB. HEALTH 24, 26 (2013), https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/.

⁴⁵ Catherine A. Barber & Matthew J. Miller, *Reducing a Suicidal Person’s Access to Lethal Means of Suicide*, 47 AM. J. PREV. MED. 264, 265 (2014).

III. Safely and Securely Storing Firearms When Not in Use Can Help Prevent Suicide

Secure or safe gun storage requirements, which hinder immediate or unauthorized access to firearms, can serve as a “cooling off” period for individuals who may have a brief suicidal crisis. As the American College of Surgeons puts it, “the only thing more tragic than a death . . . is a death that could have been prevented.”⁴⁶

A. Safe Storage Saves Lives

Loaded or unlocked firearms in a household are more likely to be used in a suicide, or to result in a household member being a victim of homicide, than when those weapons are stored securely in the home.⁴⁷ One recent study found that firearm owners who kept their firearms locked or unloaded had a sixty percent lower chance of dying from firearm suicide than owners who did not follow safe storage practices.⁴⁸

⁴⁶ Thomas Duncan et al., *Domestic Violence and Safe Storage of Firearms in the COVID-19 Era*, 272 ANNALS OF SURGERY 55, 57 (Aug. 2020).

⁴⁷ Andrew Anglemyer et al., *The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systemic Review and Meta-Analysis*, 160 ANNALS OF INTERNAL MED. 101, 101 (Jan. 2014). *See also* Edmond Shanassa et al., *Safer Storage of Firearms at Home and Risk of Suicide: A Study of Protective Factors in a Nationally Representative Sample*, 58 J. EPID. COMM. HEALTH 841, 841 (2004) (“those who stored their firearms locked or unloaded, or both, were less likely to commit suicide by firearms”).

⁴⁸ Edmond Shenassa et al., *Safer Storage of Firearms at Home and Risk of Suicide*, 58 J. EPID. COMM. HEALTH 841, 846 (2004).

Those in the U.S. medical community also endorse safe storage practices. For example, the American Academy of Pediatrics has asserted “that whereas the safest home for a child is one without firearms, risk can be reduced substantially, although not eliminated, by storing all household firearms locked, unloaded, and separated from ammunition.”⁴⁹ The Journal of the American Medical Association Network has also underscored the importance of safe firearms storage and has even advised doctors to take a role in curbing risky use of firearms in the home: “As with any epidemic, prevention is important. Physicians and others should ask about guns in the home, especially for high-risk patients, and advise about removal and safe storage.”⁵⁰

B. Safe Storage Has a Particular Benefit for Children’s Safety

Over the past decade, the rate of firearm suicide for young people⁵¹ has increased 53 percent.⁵² According to a prominent 2021 study published in *The Journal of the American Medical Association*, over 95 percent of child suicide

⁴⁹ Deborah Azrael et al., *Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey*, 95 J. URBAN HEALTH 295, 295 (2018).

⁵⁰ Howard Bauchner et al., *Death by Gun Violence, A Public Health Crisis*, 318 JAMA NETWORK 1763, 1763 (2017) (internal footnotes omitted).

⁵¹ Defined as individuals between the ages of 10 and 24.

⁵² *The Rise of Firearm Suicide Among Young Americans*, EVERYTOWN (June 2, 2023), <https://everytownresearch.org/report/the-rise-of-firearm-suicide-among-young-americans/>.

deaths occurred in the family home.⁵³ Across all child suicide deaths where firearms were used, not a single home had a properly stored firearm.⁵⁴

A study by The American Association of Suicidology examining youth firearm suicide found that 57 percent of the firearms used were owned by a family member.⁵⁵ Increasing the understanding of the benefits of locking all household firearms is likely to result in significant reductions in firearm suicide and unintentional firearm fatalities among youth.⁵⁶

In 2017, the Government Accountability Office released a report concluding that “adherence to safe storage principles can decrease the number of suicides, particularly those committed impulsively, as well as unintentional shootings involving children.”⁵⁷ Overall, data suggest that if just 20 percent of U.S.

⁵³ See Donna A. Ruch et al., *Characteristics and Precipitating Circumstances of Suicide Among Children Aged 5 to 11 Years in the United States, 2013-2017*, 4 JAMA NETWORK OPEN 1, 3 (2021).

⁵⁴ *Id.*

⁵⁵ Renee Johnson et al., *Who are the Owners of Firearms Used in Adolescent Suicides?*, 40 SUICIDE LIFE THREAT. BEHAV. 609, 610 (2010).

⁵⁶ Donna A. Ruch et al., *Characteristics and Precipitating Circumstances of Suicide Among Children Aged 5 to 11 Years in the United States, 2013-2017*, 4 JAMA NETWORK OPEN 1, 3 (2021).

⁵⁷ U.S. GOV. ACCTY. OFF., GAO 17-665, PERSONAL FIREARMS: PROGRAMS THAT PROMOTE SAFE STORAGE AND RESEARCH ON THEIR EFFECTIVENESS 5 (2017).

households with guns engaged in safe storage practices by locking all their household firearms, then youth firearm deaths would decline by up to 32 percent.⁵⁸

C. Educational Efforts Focused on Safe Storage

The County's pamphlets serve as an educational tool for the benefit of safe storage.⁵⁹ Notably, The National Shooting Sports Foundation, which is The Firearm Industry Trade Association,⁶⁰ consulted in the creation of this literature. The pamphlets include a section providing multiple options for guns owners to choose from for selecting safe firearm storage, including cable locks, lock boxes, gun cases, and full size gun safes.⁶¹

Additional education efforts regarding safe storage practices are emerging across diverse sectors of society. For example, given that 70 percent of suicides of military service members involve firearms, the U.S. Department of Defense ("DOD") has recently instituted safe storage methods and firearm-related suicide prevention measures.⁶² These include the DOD working with firearm retailers to

⁵⁸ Michael C. Monuteaux, Deborah Azrael, & Matthew Miller, *Association of Increased Safe Household Firearm Storage with Firearm Suicide and Unintentional Death Among US Youths*, JAMA PEDIATRICS (May 2019).

⁵⁹ JA0791.

⁶⁰ THE FIREARM INDUS. TRADE ASS'N, <https://www.nssf.org> (last visited July 10, 2023).

⁶¹ JA0791.

⁶² Karen A. Orvis, *DOD: Safe Handling, Storage of 'Lethal Means' Key to Suicide Prevention*, U.S. DEP'T OF DEF. (Apr. 13, 2022), <https://www.defense.gov/News/News-Stories/Article/Article/2998717/dod-safe-handling-storage-of-lethal-means-key-to-suicide-prevention>.

raise awareness about safe storage options in the home.⁶³ Similar actions are taking place within the Department of Veteran Affairs.⁶⁴

IV. Alternatives to Firearms for Resolving Conflicts

A. The Pamphlets Provide Useful Information on Conflict Resolution

All too often people look to firearms to resolve conflicts, but the County's pamphlets emphasize that peaceful, nonviolent solutions to settle disagreements and disputes are readily available. The pamphlets at issue provide conflict resolution information and details on mediation that individuals undergoing a variety of conflicts may wish to use. In addition to suicide prevention, such conflicts can be related to disputes involving family matters, housing, and parental issues. The pamphlets aim to demonstrate to those in potentially high stress and high risk situations that there are available mechanisms to address these issues that do not involve violence.⁶⁵ These mechanisms can span both longer term conflict resolution or mediation services or shorter term acute assistance. For example, one of the pamphlets offers emergency hotlines for individuals facing imminent risk or

⁶³ *Id.*

⁶⁴ See *Lethal Means Safety & Suicide Prevention*, U.S. DEP'T OF VETS. AFFS. (Nov. 1, 2022), <https://www.va.gov/reach/lethal-means>.

⁶⁵ JA0791. Such peaceful mechanisms have been proven effective. See, e.g., also Francois Bogacz et al., *Improved Conflict Resolution in Romantic Couples in Mediation Compared to Negotiation*, 7 HUM. AND SOC. SCI. COMMC'NS. 1, 10 (2020) (finding mediation was successful in improving the quality of discussion and reducing conflicts between couples).

in need of urgent assistance, such as a national suicide prevention hotline and a crisis text line.⁶⁶ Both pamphlets fill an information gap for individuals who may not know what resources are available to them and have no other means or ability to access these services.

Conflict resolution thus should not be understood as a static strategy to address gun violence. Instead, it is an “umbrella term” encapsulating a variety of programs in schools, community centers, detention centers, and on the streets across the United States.⁶⁷ On a local level, the Anne Arundel County Conflict Resolution Center aims to offer those in potentially high stress situations alternative means of conflict resolution. The Center aims to accomplish this by providing mediation, facilitation, and education for the peaceful resolution of conflicts.⁶⁸

⁶⁶ JA0791. Studies have acknowledged the effectiveness of crisis helplines. *See, e.g.,* Adam S. Hoffberg et al., *The Effectiveness of Crisis Line Services: A Systematic Review*, 7 FRONTIERS IN PUB. HEALTH 1, 12 (2020) (finding crisis line services to be successful in certain instances); Brian L. Mishara et al., *Which Helper Behaviors and Intervention Styles are Related to Better Short-Term Outcomes in Telephone Crisis Intervention? Results from a Silent Monitoring Study of Calls to the U.S. 1-800-SUICIDE Network*, 37 SUICIDE AND LIFE-THREAT BEHAV. 308, 318 (2007) (finding suicide hotlines to be successful when “the helper expresses empathy and respect for the callers”).

⁶⁷ *See* Sammy Caiola, *Nonprofits, Schools Train Teens to Settle Their Own Arguments in Hopes of Preventing Gun Violence*, WHY (May 17, 2022), <https://why.org/articles/nonprofits-schools-train-teens-to-settle-their-own-arguments-in-hopes-of-preventing-gun-violence>.

⁶⁸ *See* ANNE ARUNDEL CONFLICT RESOL. CTR., <https://www.aacrc.info> (last visited July 10, 2023).

B. Educating Gun Owners and Connecting Them with Resources for Suicide and Violence Prevention is an Effective Gun Violence Prevention Strategy

There is a growing body of research suggesting that educating people who are at risk for suicide with appropriate resources can be an effective tool for raising awareness and increasing help seeking behaviors.⁶⁹ Moreover, the insertion of targeted informational pamphlets in areas with high rates of youth suicides specifically has been shown to have a positive impact on gun violence prevention efforts.⁷⁰

C. Community-Based Violence Interruption Programs Can Reduce Gun-Related Violence

Anne Arundel County is establishing a Violence Interruption Program to reduce gun and other violence-related incidents, injuries and fatalities. The County is partnering with Cure Violence Global to implement the program.⁷¹ The ordinance at issue in this case is thus one feature of the County's gun violence

⁶⁹ See, e.g., Tetsuya Matsubayashi et al., *The Effect of Pub. Awareness Campaigns on Suicides: Evidence from Nagoya, Japan*, 152 J AFFECT DISORD. 526, 528 (2014) (finding the total number of suicides decreased only two months after a public awareness suicide prevention campaign); Bonnie Klimes-Dougan & Chih-Yuan Steven Lee, *Suicide Prevention Public Service Announcements: Perceptions of Young Adults*, 31 J. CRISIS INTERV. AND SUICIDE PREVENT. 247, 251 (2010) (finding that public service announcements can be helpful in suicide prevention depending on the format).

⁷⁰ Simon Bridge et al, *Dealing with Suicidal Thoughts in Schools: Information and Education Directed at Secondary Schools*, 15 AUSTL. J. PSYCHIATRY 58, 62 (2007) (noting that this study was limited to high-risk secondary schools in Australia).

⁷¹ See <https://aahealth.civilspace.io/en/projects/cure-violence-global>.

prevention efforts, and is complemented by others, such as the Violence Interruption initiative that the County plans to execute.

On a national level, community-based violence interruption (“CVI”) programs, already implemented, offer a growing form of conflict resolution. CVI programs have emerged across the country to support individuals facing high risks of gun violence.⁷² Through the use of “community messengers,” and “violence interrupters,” these programs aim to build partnerships with individuals most at risk of engaging in or being a victim of gun violence.⁷³ Violence interrupters are often members of the community they serve, and frequently, have themselves formerly been at risk for violence.⁷⁴ Recognizing the utility of CVI programs, this year, the Federal Government allocated \$150 million dollars to the U.S. Department of Justice to “support the development, implementation, and evaluation” of CVI strategies.⁷⁵

⁷² See *Community Violence Intervention Programs, Explained*, VERA INST. FOR JUST. (Sept. 2021), <https://www.vera.org/inline-downloads/community-violence-intervention-programs-explained-report.pdf>.

⁷³ See Akua Amaning & Hassen Bashir, *Community-Based Violence Interventions: Proven Strategies to Reduce Violent Crime*, CTR. FOR AM. PROGRESS (June 15, 2022), <https://www.americanprogress.org/article/community-based-violence-interventions-proven-strategies-to-reduce-violent-crime>.

⁷⁴ See Sheyla A. Delgado et al., *Denormalizing Violence, The Effects of Cure Violence in the South Bronx and East New York, Brooklyn*, RSCH. AND EVAL. CTR. JOHN JAY COLL. CRIM. JUST. CITY UNIV. N.Y. 1, 2 (2017).

⁷⁵ *Department of Justice Office of Justice Programs FY 2023 Budget Request Overview*, U.S. DEP’T JUST.,

There is substantial evidence demonstrating that CVI programs can reduce gun violence.⁷⁶ CVI is a method that uses “evidence-informed strategies to reduce violence through tailored community-centered initiatives.”⁷⁷ These comprehensive approaches engage individuals and communities to “prevent and disrupt cycles of violence and retaliation, and establish relationships between individuals and community assets to deliver services that save lives, address trauma, provide opportunity, and improve the physical, social, and economic conditions that drive violence.”⁷⁸

CVI has been in practice for decades, often through community partnership with community-based organizations aimed at reducing violence through “locally driven, data informed, alternative public safety measures.”⁷⁹ There are a variety of different evidence-based CVI models that are being utilized nationwide to serve

<https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/fy23budgetoverview.pdf> (last visited May 5, 2023).

⁷⁶ In fact they have been shown to reduce homicides by as much as 60 percent where they are implemented. *See Healing Communities in Crisis*, GIFFORDS L. CTR. & PICO NAT’L NETWORK 14 (2019), <https://giffords.org/wp-content/uploads/2019/01/Healing-Communities-in-Crisis.pdf>.

⁷⁷ *Community Based Violence Intervention and Prevention Initiative (CVIPI)*, BUREAU OF JUST. ASSIST. (Apr. 19, 2022), <https://bja.ojp.gov/program/community-violence-intervention/overview>.

⁷⁸ *Id.*

⁷⁹ *An Overview: Community Violence Intervention Strategies*, NAT’L CRIM. JUST. ASS’N, <https://tinyurl.com/yc2fwshs> (last updated Oct. 2021).

individuals vulnerable to gun violence in their communities.⁸⁰ Several models for CVI, which are discussed in an October 2021 National Criminal Justice Association publication,⁸¹ include street outreach, group violence intervention,⁸² crime prevention through environmental design, and hospital-based violence intervention programs.⁸³ Cities across the country have invested in violence intervention strategies and seen great success. For example, Boston, New York City, Baltimore, Philadelphia, Chicago, Indianapolis, New Orleans, Oakland, and Stockton have seen more than a 30 percent reduction in shootings that result in injuries after implementing CVI programs.⁸⁴ Additionally, in 2021, the U.S.

⁸⁰ See *Frequently Asked Questions About Community-Based Violence Intervention Programs*, CTR. FOR AM. PROGRESS (June 3, 2022), <https://www.americanprogress.org/article/frequently-asked-questions-about-community-based-violence-intervention-programs>.

⁸¹ See *An Overview: Community Violence Intervention Strategies*, NAT'L CRIM. JUST. ASS'N, <https://tinyurl.com/yc2fwshs> (last updated Oct. 2021).

⁸² *Break the Cycle of Violence Coalition Letter*, AMNESTY INT'L (July 30, 2021), <https://tinyurl.com/9ec8xdu>.

⁸³ *Violence Intervention Programs*, AM. COLL. SURGEONS, <https://tinyurl.com/5ed48nt6> (last visited July 11, 2023) (“Hospital-based violence intervention programs (HVIPs) are multidisciplinary programs that identify patients at risk of repeat violent injury and link them with hospital and community-based resources aimed to address underlying risk factors for violence.”).

⁸⁴ See Nazish Dholakia & Daniela Gilbert, *Community Violence Intervention Programs, Explained*, VERA INST. FOR JUST. (Sept. 1, 2021), <https://www.vera.org/community-violence-intervention-programs-explained>.

Department of Justice endorsed a multi-tier approach to tackling gun violence, with an emphasis on community engagement – the heart of CVI programs.⁸⁵

In particular, the “Cure Violence” CVI model has proven especially effective. This program connects individuals at risk of violence to mediation; education; housing; cognitive behavioral therapy, strategies to change thinking and behavior patterns; workforce training; and other social services. These ultimately can put these individuals on a better, safer path than allowing violence to continue.⁸⁶ Recent studies of the effectiveness of Cure Violence have found that its implementation in targeted districts was associated with, for example, a 63 percent reduction in shootings compared to districts that did not receive the intervention in New York City.⁸⁷

CONCLUSION

For all these reasons, as well as the reasons stated in the County’s brief, *Amici* submit that this Court should uphold the County’s ordinance that mandates

⁸⁵ Deputy Attorney General, *Memorandum for Department of Justice Employees, Comprehensive Strategy for Reducing Violent Crime*, U.S. DEP’T OF JUST. 1, 2 (May 26, 2021), https://www.justice.gov/d9/pages/attachments/2021/05/26/comprehensive_strategy_for_reducing_violent_crime_memo.pdf.

⁸⁶ *Healing Communities in Crisis*, GIFFORDS L. CTR. & PICO NAT’L NETWORK 14 (2019), <https://giffords.org/wp-content/uploads/2019/01/Healing-Communities-in-Crisis.pdf>.

⁸⁷ *The Evidence of Effectiveness*, CURE VIOLENCE (Aug. 2021), <https://cvg.org/wp-content/uploads/2022/09/Cure-Violence-Evidence-Summary.pdf>.

the distribution of literature to gun purchasers on the important subjects of suicide prevention and nonviolent conflict resolution.

DATED: July 17, 2023

/s/ Arthur Luk

Arthur Luk

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C) and Circuit Rule 32-1, I certify that this brief is proportionally spaced, has a typeface of 14 points and contains 6,172 words.

DATED: July 17, 2023

/s/ Arthur Luk
Arthur Luk

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2023, I electronically filed the foregoing with the Clerk of the United States Court of Appeals for the Fourth Circuit using the CM/ECF system, which sent notification of such filing to all registered CM/ECF users.

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/s/ Arthur Luk
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