

## Exhibit 37

To Defendants' Memorandum in Support of Motion for  
Summary Judgment



Violence Policy Center

# **Firearm Justifiable Homicides and Non-Fatal Self-Defense Gun Use**

An Analysis of Federal Bureau of Investigation and  
National Crime Victimization Survey Data

**The Violence Policy Center** (VPC) is a national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This study was funded with the support of the David Bohnett Foundation, The Herb Block Foundation, and The Joyce Foundation. This study was authored by VPC Senior Policy Analyst Marty Langley and VPC Executive Director Josh Sugarmann. Past studies released by the VPC include:

*Lost Youth: A County-by-County Analysis of 2011 California Homicide Victims Ages 10 to 24* (March 2013) ♦ *States With Higher Gun Ownership and Weak Gun Laws Lead Nation in Gun Death* (February 2013, annual study) ♦ *Black Homicide Victimization in the United States: An Analysis of 2010 Homicide Data* (January 2013, annual study) ♦ *When Men Murder Women: An Analysis of 2010 Homicide Data* (September 2012, annual study) ♦ *Understanding the Smith & Wesson M&P15 Semiautomatic Assault Rifle Used in the Aurora, Colorado Mass Murder* (July 2012) ♦ *Gun Deaths Outpace Motor Vehicle Deaths in 10 States in 2009* (May 2012) ♦ *Bullet Buttons: The Gun Industry's Attack on California's Assault Weapons Ban* (May 2012) ♦ *American Roulette: Murder-Suicide in the United States* (May 2012, Third Edition) ♦ *"Never Walk Alone"—How Concealed Carry Laws Boost Gun Industry Sales* (April 2012) ♦ *More Guns, More Shootings* (January 2012) ♦ *The Militarization of the U.S. Civilian Firearms Market* (June 2011) ♦ *A Shrinking Minority: The Continuing Decline of Gun Ownership in America* (April 2011) ♦ *Blood Money: How the Gun Industry Bankrolls the NRA* (April 2011) ♦ *Accessories to Murder* (January 2011) ♦ *Drive-by America: Second Edition* (July 2010) ♦ *Lessons Unlearned—The Gun Lobby and the Siren Song of Anti-Government Rhetoric* (April 2010) ♦ *Target: Law Enforcement—Assault Weapons in the News* (February 2010) ♦ *Law Enforcement and Private Citizens Killed by Concealed Handgun Permit Holders—An Analysis of News Reports, May 2007 to April 2009* (July 2009) ♦ *Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents* (April 2009) ♦ *Iron River: Gun Violence and Illegal Firearms Trafficking on the U.S.-Mexico Border* (March 2009) ♦ *Youth Gang Violence and Guns: Data Collection in California* (February 2009) ♦ *"Big Boomers"—Rifle Power Designed Into Handguns* (December 2008) ♦ *An Analysis of the Decline in Gun Dealers: 1994 to 2007* (August 2007) ♦ *Clear and Present Danger: National Security Experts Warn About the Danger of Unrestricted Sales of 50 Caliber Anti-Armor Sniper Rifles to Civilians* (July 2005) ♦ *The Threat Posed to Helicopters by 50 Caliber Anti-Armor Sniper Rifles* (August 2004) ♦ *United States of Assault Weapons: Gunmakers Evading the Federal Assault Weapons Ban* (July 2004) ♦ *Vest Buster: The .500 Smith & Wesson Magnum—The Gun Industry's Latest Challenge to Law Enforcement Body Armor* (June 2004) ♦ *Bullet Hoses—Semiautomatic Assault Weapons: What Are They? What's So Bad About Them?* (May 2003) ♦ *"Officer Down"—Assault Weapons and the War on Law Enforcement* (May 2003) ♦ *"Just Like Bird Hunting"—The Threat to Civil Aviation from 50 Caliber Sniper Rifles* (January 2003) ♦ *Sitting Ducks—The Threat to the Chemical and Refinery Industry from 50 Caliber Sniper Rifles* (August 2002) ♦ *License to Kill IV: More Guns, More Crime* (June 2002) ♦ *The U.S. Gun Industry and Others Unknown—Evidence Debunking the Gun Industry's Claim that Osama bin Laden Got His 50 Caliber Sniper Rifles from the U.S. Afghan-Aid Program* (February 2002) ♦ *"A .22 for Christmas"—How the Gun Industry Designs and Markets Firearms for Children and Youth* (December 2001) ♦ *Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice For Self-Defense* (November 2001) ♦ *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* (October 2001) ♦ *Hispanics and Firearms Violence* (May 2001) ♦ *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001* (April 2001) ♦ *A Deadly Myth: Women, Handguns, and Self-Defense* (January 2001) ♦ *Handgun Licensing and Registration: What it Can and Cannot Do* (September 2000) ♦ *Pocket Rockets: The Gun Industry's Sale of Increased Killing Power* (July 2000) ♦ *Guns For Felons: How the NRA Works to Rearm Criminals* (March 2000) ♦ *One Shot, One Kill: Civilian Sales of Military Sniper Rifles* (May 1999) ♦ *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)

Violence Policy Center, 1730 Rhode Island Avenue, NW, Suite 1014, Washington, DC 20036  
202-822-8200 phone, 202-822-8205 fax, [www.vpc.org](http://www.vpc.org) web  
© April 2013, Violence Policy Center

## Introduction

Guns are rarely used to kill criminals or stop crimes.

In 2010, across the nation there were only 230 justifiable homicides<sup>1</sup> involving a private citizen using a firearm reported to the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program as detailed in its Supplementary Homicide Report (SHR).<sup>2</sup> That same year, there were 8,275 criminal gun homicides tallied in the SHR. *In 2010, for every justifiable homicide in the United States involving a gun, guns were used in 36 criminal homicides.*<sup>3</sup> And this ratio, of course, does not take into account the thousands of lives ended in gun suicides (19,392) or unintentional shootings (606) that year.<sup>4</sup>

This report analyzes, on both the national and state levels, the use of firearms in justifiable homicides. It also details, using the best data available on the national level, the *total* number of times guns are used for self-defense by the victims of both attempted and completed violent crimes and property crimes—whether or not the use of the gun by the victim resulted in a fatality.

Key findings of this report, as detailed in its accompanying tables, include the following.

---

<sup>1</sup> The Federal Bureau of Investigation (FBI) defines “justifiable homicide” as the killing of a felon, during the commission of a felony, by a private citizen.

<sup>2</sup> The Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program collects basic information on serious crimes from participating police agencies and records supplementary information about the circumstances of homicides in its unpublished Supplementary Homicide Report (SHR). The SHR contains more detailed information not available through published UCR data or elsewhere including: the age, sex, and race of victims and offenders; the types of weapons used; the relationship of victims to offenders; and, the circumstances of the homicides. Detailed information (such as weapon used, relationship between the victim and offender, etc) in the SHR is available *only* for the first victim and/or offender in any justifiable homicide or homicide incident. From 2006 to 2010, 97.8 percent of justifiable homicide incidents (1,008 out of 1,031) had just one victim. Recognizing how the data is presented in the SHR and the fact that virtually all justifiable incidents had just one victim, throughout this report justifiable homicide incidents will be referred to as justifiable homicides.

<sup>3</sup> Number of reported justifiable homicides and homicides taken from Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Program Supplementary Homicide Report (SHR) as tabulated by the Violence Policy Center. It is important to note that the coding contained in the SHR data used in this report comes from law enforcement reporting at the local level. The level of information submitted to the SHR system may vary from agency to agency. While this study utilizes the best and most recent data available, it is limited by the degree of detail in the information submitted.

<sup>4</sup> Source: Federal Centers for Disease Control and Prevention WISQARS database.

### Justifiable Homicides with a Gun Compared to Criminal Gun Homicides

- In 2010, there were only 230 justifiable homicides involving a gun. For the five-year period 2006 through 2010, there were only 1,031 justifiable homicides involving a gun. [For additional information see *Table One: Firearm Justifiable Homicides by State, 2006–2010.*]
- In 2010, 15 states<sup>5</sup> reported no justifiable homicides (Alabama, Connecticut, Hawaii, Idaho, Illinois, Iowa, Montana, New Hampshire, New York, North Carolina, North Dakota, Vermont, West Virginia, Wisconsin, and Wyoming). [For additional information see *Table One: Firearm Justifiable Homicides by State, 2006–2010.*]
- In 2010 for every justifiable homicide in the United States involving a gun, guns were used in 36 criminal homicides. For the five-year period 2006 through 2010, for every justifiable homicide in the United States involving a gun, guns were used in 44 criminal homicides. [For additional information see *Table Two: Circumstances for Homicides by Firearm, 2006–2010.*]

### Relationship of Person Killed to Shooter in Justifiable Homicides

- In 2010, 35.7 percent (82 of 230) of persons killed in a firearm justifiable homicide were known<sup>6</sup> to the shooter, 56.5 percent (130) were strangers, and in 7.8 percent (18) the relationship was unknown. For the five-year period 2006 through 2010, 31.4 percent (324 of 1,031) of persons killed in a firearm justifiable homicide were known to the shooter, 57.0 percent (588) were strangers, and in 11.5 percent (119) the relationship was unknown. [For additional information see *Table Three: Relationship of Person Killed to Shooter in Justifiable Homicides by Firearm, 2006–2010.*]

---

<sup>5</sup> In 2010, as in years past, the state of Florida did not submit any data to the FBI Supplementary Homicide Report. Data from Florida was not requested individually because the difference in collection techniques would create a bias in the study results. In addition, according to the FBI, limited SHR data was received from Illinois for 2010. For the five-year period 2006 through 2010, the District of Columbia submitted SHR data only in 2009, during which there were no justifiable homicides in the District.

<sup>6</sup> Relationship categories in which the justifiable homicide victim was known to the shooter are acquaintance, boyfriend, brother, common-law husband, employee, ex-husband, ex-wife, father, friend, girlfriend, husband, in-law, neighbor, other family, other known, son, stepfather, stepson, and wife.

### **Sex of Shooter in Justifiable Homicides by Firearm**

- In 2010, of the 230 firearm justifiable homicides, 89.1 percent (205) were committed by men, 10.4 percent (24) were committed by women, and in one case (0.4 percent) the gender of the shooter was unknown. For the five-year period 2006 through 2010, of the 1,031 firearm justifiable homicides, 91.3 percent (941) were committed by men, 7.3 percent (75) were committed by women, and in 15 cases (1.5 percent) the gender of the shooter was unknown. [For additional information see *Table Four: Sex of Shooter in Justifiable Homicides by Firearm, 2006–2010.*]

### **Sex of Shooters and Persons Killed, Justifiable Homicides by Firearm**

- In 2010, of the 230 firearm justifiable homicides, 98.3 percent (226) of the persons shot and killed were men and 1.7 percent (four) were women. For the five-year period 2006 through 2010, of the 1,031 firearm justifiable homicides, 98.5 percent (1,016) of the persons shot and killed were men and 1.5 percent (15) were women. [For additional information see *Table Five: Sex of Person Killed in Justifiable Homicides by Firearm, 2006–2010.*]
- In 2010, 98.5 percent (202) of the persons killed by a male with a gun in a justifiable homicide were male and 1.5 percent (three) were female. For the five-year period 2006 through 2010, 98.7 percent (929) of the persons killed by a male with a gun in a justifiable homicide were male and 1.3 percent (12) were female. [For additional information see *Table Six: Sex of Shooter and Person Killed, Justifiable Homicides by Firearm, 2006–2010.*]
- In 2010, 95.8 percent (23) of the persons killed by a female with a gun in a justifiable homicide incident were male and 4.2 percent (one) were female. For the five-year period 2006 through 2010, 96.0 percent (72) of the persons killed by a female with a gun in a justifiable homicide incident were male and 4.0 percent (three) were female. [For additional information see *Table Six: Sex of Shooter and Person Killed, Justifiable Homicides by Firearm, 2006–2010.*]

### **Race of Shooter in Justifiable Homicides by Firearm**

- In 2010, 52.6 percent (121) of the shooters who committed justifiable homicides were white, 44.3 percent (102) were black, 2.2 percent (five) were Asian, none were American Indian, and 0.9 percent (two) were of unknown race.<sup>7</sup> For the five-year period 2006 through 2010, 53.1 percent (547) of the shooters who committed justifiable homicides were white, 40.8 percent (421) were black, 3.3 percent (34) were Asian, 0.4 percent (four) were American Indian, and 2.4 percent (25) were of unknown race. [For additional information see *Table Seven: Race of Shooter in Justifiable Homicides by Firearm, 2006–2010.*]

### **Race of Persons Killed in Justifiable Homicides by Firearm**

- In 2010, 39.1 percent (90) of persons killed with a gun in a justifiable homicide were white, 60.0 percent (138) were black, none were Asian, 0.4 percent (one) was American Indian, and 0.4 percent (one) were of unknown race. For the five-year period 2006 through 2010, 39.6 percent (408) of persons killed with a gun in a justifiable homicide were white, 58.2 percent (600) were black, 0.4 percent (four) were Asian, 1.1 percent (11) were American Indian, and 0.8 percent (eight) were of unknown race. [For additional information see *Table Eight: Race of Persons Killed in Justifiable Homicides by Firearm, 2006–2010.*]
- In 2010, 67.8 percent (82) of the persons killed with a gun in a justifiable homicide by a white shooter were white, 30.6 percent (37) were black, none were Asian, 0.8 percent (one) were American Indian, and 0.8 percent (one) were of unknown race. For the five-year period 2006 through 2010, 65.1 percent (356) of the persons killed by white shooters were white, 32.7 percent (179) were black, 0.2 percent (one) were Asian, 1.1 percent (six) were American Indian, and 0.9 percent (five) were of unknown race. [For additional information see *Table Nine: Race of Shooter and Person Killed, Justifiable Homicides by Firearm, 2006–2010.*]

---

<sup>7</sup> Detailed information (such as race of offender and victim) in the FBI's Supplementary Homicide Report is only available for the first victim and/or offender in the incident. Hispanic ethnicity could not be determined because of the inadequacy of data collection and reporting.

- In 2010, 4.9 percent (five) of the persons killed with a gun in a justifiable homicide by a black shooter were white, 95.1 percent (97) were black, none were Asian, none were American Indian, and none were of unknown race. For the five-year period 2006 through 2010, 7.6 percent (32) of the persons killed by black shooters were white, 92.2 percent (388) were black, none were Asian, 0.2 percent (one) were American Indian, and none were of unknown race. [For additional information see *Table Nine: Race of Shooter and Person Killed, Justifiable Homicides by Firearm, 2006–2010.*]

### **Types of Firearms Used in Justifiable Homicides**

- In 2010, firearms were used in 83.0 percent of justifiable homicides (230 of 277). Of these: 72.2 percent (166) were handguns; 12.2 percent (28) were shotguns; 3.5 percent (eight) were rifles; and, 12.2 percent (28) were firearm, type not stated. For the five-year period 2006 through 2010, firearms were used in 81.3 percent of justifiable homicide incidents (1,031 of 1,268). Of these: 77.7 percent (801) were handguns; 9.1 percent (94) were shotguns; 4.5 percent (46) were rifles; 8.5 percent (88) were firearm, type not stated; and, 0.2 percent (two) were “other gun.” [For additional information see *Table Ten: Weapon Used in Justifiable Homicides, 2006–2010* and *Table Eleven: Type of Firearms Used in Justifiable Homicides, 2006–2010.*]

### **Number of Persons Shot and Killed in Justifiable Homicides by Firearm**

- In 2010, of the 230 justifiable homicides involving a firearm: 98.3 percent (226) involved a single person killed in the justifiable homicide; 0.9 percent (two) involved two persons killed in the justifiable homicide; and, 0.9 percent (two) involved three persons killed in the justifiable homicide. For the five-year period 2006 through 2010, of the 1,031 justifiable homicides involving a firearm: 97.8 percent (1,008) involved a single person killed in the justifiable homicide; 1.8 percent (19) involved two persons killed in the justifiable homicide; 0.3 percent (three) involved three persons killed in the justifiable homicide; and, 0.1 percent (one) involved five persons killed in the justifiable homicide.



### **How Often are Guns Used in Self-Defense Whether or Not a Criminal is Killed?**

While it is clear that guns are rarely used to justifiably kill criminals, an obvious question remains: How often are guns used in self-defense whether or not a criminal is killed?

Pro-gun advocates—from individual gun owners to organizations like the National Rifle Association—frequently claim that guns are used up to 2.5 million times each year in self-defense in the United States.<sup>8</sup> According to the 2004 book *Private Guns, Public Health* by Dr. David Hemenway, Professor of Health Policy at the Harvard School of Public Health and director of the Harvard Injury Control Research Center:

Much discussion about the protective benefits of guns has focused on the incidence of self-defense gun use. Proponents of such putative benefits often claim that 2.5 million Americans use guns in self-defense against criminal attackers each year. This estimate is not plausible and has been nominated as the “most outrageous number mentioned in a policy discussion by an elected official.”

In his book, Hemenway dissects the 2.5 million number from a variety of angles and, by extension, the NRA’s own non-lethal self-defense claims for firearms. He concludes, “It is clear that the claim of 2.5 million annual self-defense gun uses is a vast overestimate” and asks, “But what can account for it?” As he details in his book, the main culprit is the “telescoping and...false positive problem” that derives from the very limited number of respondents claiming a self-defense gun use, “a matter of misclassification that is well known to medical epidemiologists.”<sup>9</sup>

---

<sup>8</sup> See, for example: “The Armed Citizen” (“Studies indicate that firearms are used more than 2 million times a year for personal protection...”), *America’s 1<sup>st</sup> Freedom*, National Rifle Association, March 2013; “Bob Costas interrupts football game to bash American gun owners” (“According to criminologist Gary Kleck, 2.5 million Americans use firearms to defend their lives and the lives of their loved ones each year”), Chris W. Cox, NRA-ILA Executive Director (<http://www.nra.org/about-nra-ila/from-the-director.aspx>, downloaded April 8, 2013); and, “Chris Cox’s NRA Armed Citizen: True Stories of Your Right to Self Defense in Action,” (“While the anti-gun media doesn’t want to report the truth about Americans using guns for self-defense as often as 2.5 million times a year, you can read breaking stories of everyday citizens fending off violent criminals in CHRIS COX’S ARMED CITIZEN”), *Armed Citizen E-Newsletter* (<https://www.nra.org/armecitizen/>, downloaded April 8, 2013). The 2.5 million estimate is the result of a telephone survey conducted by Florida State University criminologist Dr. Gary Kleck, see Hemenway, David, “The Myth of Millions of Annual Self-Defense Gun Uses: A Case Study of Survey Overestimates of Rare Events,” *Chance* (American Statistical Association), Volume 10, No. 3, 1997.

<sup>9</sup> For a more detailed discussion, please see Hemenway, David, *Private Guns, Public Health*, (The University of Michigan Press, 2004), pp. 66-69 and pp. 238-243.

**New Estimates on Self-Defense Uses of Firearms from the Bureau of Justice Statistics'  
National Crime Victimization Survey**

Hemenway notes, and numerous others agree, that the most accurate survey of self-defense gun use is the National Crime Victimization Survey (NCVS) conducted by the Bureau of Justice Statistics. The survey has been ongoing since 1973.<sup>10</sup>

**Violent Crime**

According to the NCVS, looking at the total number of self-protective behaviors undertaken by victims of both attempted and completed violent crime for the *five-year period 2007 through 2011*, in only 0.8 percent of these instances had the intended victim in resistance to a criminal “threatened or attacked with a firearm.”<sup>11</sup> As detailed in the chart on the next page, for the *five-year period 2007 through 2011*, the NCVS estimates that there were 29,618,300 victims of attempted or completed violent crime. During this same *five-year period*, only 235,700 of the self-protective behaviors involved a firearm. Of this number, it is not known what type of firearm was used or whether it was fired or not. The number may also include off-duty law enforcement officers who use their firearms in self-defense.

---

<sup>10</sup> According to the website of the Bureau of Justice Statistics, the National Crime Victimization Survey (NCVS) “is the Nation's primary source of information on criminal victimization. Each year, data are obtained from a nationally representative sample of about 40,000 households comprising nearly 75,000 persons on the frequency, characteristics and consequences of criminal victimization in the United States. Each household is interviewed twice during the year. The survey enables BJS to estimate the likelihood of victimization by rape, sexual assault, robbery, assault, theft, household burglary, and motor vehicle theft for the population as a whole as well as for segments of the population such as women, the elderly, members of various racial groups, city dwellers, or other groups. The NCVS provides the largest national forum for victims to describe the impact of crime and characteristics of violent offenders,” (see <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=245>).

<sup>11</sup> For “violent crime” the NCVS measures rape/sexual assault, robbery, and aggravated and simple assault (see Bureau of Justice Statistics, “Violent Crime,” <http://bjs.gov/index.cfm?ty=tp&tid=31#summary>).

<b>Self-Protective Behaviors by Type of Crime, 2007–2011</b>				
	Violent Crime 2007–2011		Property Crime 2007–2011	
	Total	Percent	Total	Percent
<b>Total Number of Crimes</b>	29,618,300	100	84,495,500	100
<b>Self-Protective Behavior</b>				
Offered no resistance	12,987,300	43.8	10,162,000	12.0
Threatened or attacked with a firearm	235,700	0.8	103,000	0.1
Threatened or attacked with other weapon	391,100	1.3	38,200	–
Threatened or attacked without a weapon	6,552,900	22.1	421,300	0.5
Nonconfrontational tactics–yelled, ran, or argued	7,768,700	26.2	1,187,100	1.4
Other reaction	1,641,300	5.5	223,400	0.3
Unknown reaction	41,300	0.1	12,200*	–
Property crime–victim not present	~	~	72,348,200	85.6
– Less than 0.1 percent	~ Not applicable			
* Interpret with caution. Estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50 percent.				
Source: SPECIAL TABULATION, Bureau of Justice Statistics, National Crime Victimization Survey, 2007-2011				

## Property Crime

According to the NCVS, looking at the total number of self-protective behaviors undertaken by victims of attempted or completed property crime for the *five-year period 2007 through 2011*, in only 0.1 percent of these instances had the intended victim in resistance to a criminal “threatened or attacked with a firearm.”<sup>12</sup> As detailed in the table on the previous page, for the *five-year period 2007 through 2011*, the NCVS estimates that there were 84,495,500 victims of attempted or completed property crime. During this same *five-year period*, only 103,000 of the self-protective behaviors involved a firearm. Of this number, it is not known what type of firearm was used, whether it was fired or not, or whether the use of a gun would even be a legal response to the property crime. And as before, the number may also include off-duty law enforcement officers. In comparison, new data from the Department of Justice shows that an average of 232,400 guns were stolen *each year* from U.S. households from 2005 to 2010.<sup>13</sup>

## Comparing NCVS Data to Claims that Guns are Used in Self-Defense 2.5 Million Times a Year

Using the NCVS numbers, for the *five-year period 2007 through 2011*, the total number of self-protective behaviors involving a firearm by victims of attempted or completed violent crimes or property crimes totaled only 338,700. In comparison, the gun lobby claims that during the same *five-year period* guns were used 12.5 million times in self-defense (applying to the five-year period the gun lobby’s oft-repeated claim, noted earlier, that firearms are used in self-defense 2.5 million times a year).

---

<sup>12</sup> For “property crime” the NCVS measures household burglary, motor vehicle theft, as well as property theft. Since the survey information is obtained from a sample of households, it does not include property crimes affecting businesses or other commercial establishments. If such crimes are reported to law enforcement, they are included in the FBI’s Uniform Crime Reporting Program. The NCVS includes property crimes affecting victims and household members which were reported and not reported to the police. (See Bureau of Justice Statistics, “Property Crime,” <http://bjs.gov/index.cfm?ty=tp&tid=32>).

<sup>13</sup> “Firearms Stolen during Household Burglaries and Other Property Crimes 2005–2010,” U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, November 2012.

### Conclusion

The reality of self-defense gun use bears no resemblance to the exaggerated claims of the gun lobby and gun industry. The number of justifiable homicides that occur in our nation each year pale in comparison to criminal homicides, let alone gun suicides and fatal unintentional shootings. And contrary to the common stereotype promulgated by the gun lobby,<sup>14</sup> those killed in justifiable homicide incidents don't always fit the expected profile of an attack by a stranger: in 35.7 percent of the justifiable homicides that occurred in 2010 the persons shot were known to the shooter.

The devastation guns inflict on our nation each and every year is clear: nearly 32,000 dead, more than 73,000 wounded, and an untold number of lives and communities shattered. Unexamined claims of the efficacy and frequency of the self-defense use of firearms are the default rationale offered by the gun lobby and gun industry for this unceasing, bloody toll. The idea that firearms are frequently used in self-defense is the primary argument that the gun lobby and firearms industry use to expand the carrying of firearms into an ever-increasing number of public spaces and even to prevent the regulation of military-style semiautomatic assault weapons and high-capacity ammunition magazines. Yet this argument is hollow and the assertions false. When analyzing the most reliable data available, what is most striking is that in a nation of more than 300 million guns, how *rarely* firearms are used in self-defense.<sup>15</sup>

---

<sup>14</sup> For an example of the images used by the NRA, see those accompanying "Chris Cox's NRA Armed Citizen: True Stories of Your Right to Self Defense in Action," *Armed Citizen E-Newsletter* (<https://www.nra.org/armedcitizen/>, downloaded April 8, 2013).

<sup>15</sup> It is estimated that the total number of firearms available to civilians in the United States is 310 million: 114 million handguns, 110 million rifles, and 86 million shotguns. Krouse, William J., *Gun Control Legislation*, Congressional Research Service, November 14, 2012, p. 8.

**Table One: Firearm Justifiable Homicides by State, 2006–2010**

<b>State</b>	<b>Number of Justifiable Homicides</b>					
	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>Total</b>
Alabama	1	2	3	0	0	<b>6</b>
Alaska	2	1	0	4	2	<b>9</b>
Arizona	10	10	17	13	16	<b>66</b>
Arkansas	1	1	2	0	3	<b>7</b>
California	24	24	17	20	23	<b>108</b>
Colorado	3	3	4	4	5	<b>19</b>
Connecticut	0	1	0	0	0	<b>1</b>
Delaware	0	0	0	1	1	<b>2</b>
Florida	N/A	N/A	N/A	N/A	N/A	<b>N/A</b>
Georgia	10	8	18	11	19	<b>66</b>
Hawaii	0	1	0	0	0	<b>1</b>
Idaho	0	1	0	0	0	<b>1</b>
Illinois	1	2	0	2	0	<b>5</b>
Indiana	7	5	3	2	12	<b>29</b>
Iowa	0	0	0	0	0	<b>0</b>
Kansas	1	1	1	1	3	<b>7</b>
Kentucky	1	3	5	9	4	<b>22</b>
Louisiana	10	12	7	9	10	<b>48</b>

State	Number of Justifiable Homicides					
	2006	2007	2008	2009	2010	Total
Maine	0	2	0	0	1	3
Maryland	6	1	2	1	6	16
Massachusetts	0	0	0	0	2	2
Michigan	5	5	4	16	13	43
Minnesota	0	0	3	1	2	6
Mississippi	0	0	1	2	1	4
Missouri	4	6	12	3	5	30
Montana	0	0	0	0	0	0
Nebraska	0	0	0	2	1	3
Nevada	3	5	4	5	3	20
New Hampshire	0	0	0	0	0	0
New Jersey	2	0	2	0	2	6
New Mexico	4	1	1	3	2	11
New York	5	0	0	0	0	5
North Carolina	7	2	2	6	0	17
North Dakota	0	0	0	0	0	0
Ohio	7	6	1	2	2	18
Oklahoma	7	10	6	4	5	32
Oregon	7	0	0	3	4	14
Pennsylvania	5	11	11	11	8	46

State	Number of Justifiable Homicides					
	2006	2007	2008	2009	2010	Total
Rhode Island	0	0	0	0	1	<b>1</b>
South Carolina	5	5	9	6	7	<b>32</b>
South Dakota	0	0	0	0	1	<b>1</b>
Tennessee	10	18	19	10	14	<b>71</b>
Texas	30	38	41	44	44	<b>197</b>
Utah	0	0	0	0	1	<b>1</b>
Vermont	0	0	0	0	0	<b>0</b>
Virginia	4	5	6	9	5	<b>29</b>
Washington	3	3	0	3	2	<b>11</b>
West Virginia	0	0	0	0	0	<b>0</b>
Wisconsin	2	3	4	6	0	<b>15</b>
Wyoming	0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>187</b>	<b>196</b>	<b>205</b>	<b>213</b>	<b>230</b>	<b>1,031</b>



**Table Two: Circumstances for Homicides by Firearm, 2006–2010****Page 14**

Circumstance	Number of Homicides											
	2006		2007		2008		2009		2010		Total	
Criminal Homicide	9,707	98.1%	9,610	98.0%	9,039	97.8%	8,697	97.6%	8,275	97.3%	<b>45,328</b>	<b>97.8%</b>
Justifiable Homicide	187	1.9%	196	2.0%	205	2.2%	213	2.4%	230	2.7%	<b>1,031</b>	<b>2.2%</b>
Ratio of Criminal Homicide to Justifiable Homicide	52-1		49-1		44-1		41-1		36-1		<b>44-1</b>	
<b>Total</b>	<b>9,894</b>		<b>9,806</b>		<b>9,244</b>		<b>8,910</b>		<b>8,505</b>		<b>46,359</b>	

**Table Three: Relationship of Person Killed to Shooter in Justifiable Homicides by Firearm, 2006–2010**

Relationship	Number of Justifiable Homicides											
	2006		2007		2008		2009		2010		Total	
Acquaintance	34	18.2%	34	17.3%	32	15.6%	36	16.9%	51	22.2%	187	18.1%
Boyfriend	0	0.0%	2	1.0%	2	1.0%	1	0.5%	2	0.9%	7	0.7%
Brother	0	0.0%	1	0.5%	2	1.0%	0	0.0%	0	0.0%	3	0.3%
Common-Law Husband	1	0.5%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.1%
Employee	0	0.0%	1	0.5%	0	0.0%	0	0.0%	0	0.0%	1	0.1%
Ex-Husband	0	0.0%	1	0.5%	1	0.5%	3	1.4%	3	1.3%	8	0.8%
Ex-Wife	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.4%	1	0.1%
Father	0	0.0%	0	0.0%	2	1.0%	2	0.9%	2	0.9%	6	0.6%
Friend	4	2.1%	0	0.0%	4	2.0%	0	0.0%	1	0.4%	9	0.9%
Girlfriend	0	0.0%	1	0.5%	1	0.5%	0	0.0%	1	0.4%	3	0.3%
Husband	3	1.6%	2	1.0%	0	0.0%	1	0.5%	1	0.4%	7	0.7%
In-Law	0	0.0%	1	0.5%	0	0.0%	0	0.0%	1	0.4%	2	0.2%
Neighbor	3	1.6%	3	1.5%	3	1.5%	4	1.9%	3	1.3%	16	1.6%
Other Family	0	0.0%	6	3.1%	1	0.5%	4	1.9%	0	0.0%	11	1.1%
Other Known	11	5.9%	7	3.6%	9	4.4%	9	4.2%	7	3.0%	43	4.2%
Son	0	0.0%	1	0.5%	1	0.5%	1	0.5%	4	1.7%	7	0.7%
Stepfather	0	0.0%	0	0.0%	1	0.5%	0	0.0%	2	0.9%	3	0.3%
Stepson	0	0.0%	0	0.0%	2	1.0%	0	0.0%	3	1.3%	5	0.5%
Stranger	105	56.1%	106	54.1%	124	60.5%	123	57.7%	130	56.5%	588	57.0%
Wife	1	0.5%	1	0.5%	1	0.5%	1	0.5%	0	0.0%	4	0.4%
Unknown Relationship	25	13.4%	29	14.8%	19	9.3%	28	13.1%	18	7.8%	119	11.5%
<b>Total</b>	187		196		205		213		230		1,031	

**Table Four: Sex of Shooter in Justifiable Homicides by Firearm, 2006–2010**

Sex of Shooter	Number of Justifiable Homicides											
	2006		2007		2008		2009		2010		Total	
Male	166	88.8%	179	91.3%	192	93.7%	199	93.4%	205	89.1%	<b>941</b>	<b>91.3%</b>
Female	15	8.0%	12	6.1%	11	5.4%	13	6.1%	24	10.4%	<b>75</b>	<b>7.3%</b>
Unknown	6	3.2%	5	2.6%	2	1.0%	1	0.5%	1	0.4%	<b>15</b>	<b>1.5%</b>
<b>Total</b>	<b>187</b>		<b>196</b>		<b>205</b>		<b>213</b>		<b>230</b>		<b>1,031</b>	

**Table Five: Sex of Person Killed in Justifiable Homicides by Firearm, 2006–2010**

Sex of Person Killed	Number of Justifiable Homicides											
	2006		2007		2008		2009		2010		Total	
Male	184	98.4%	192	98.0%	202	98.5%	212	99.5%	226	98.3%	<b>1,016</b>	<b>98.5%</b>
Female	3	1.6%	4	2.0%	3	1.5%	1	0.5%	4	1.7%	<b>15</b>	<b>1.5%</b>
<b>Total</b>	<b>187</b>		<b>196</b>		<b>205</b>		<b>213</b>		<b>230</b>		<b>1,031</b>	

**Table Six: Sex of Shooter and Person Killed, Justifiable Homicides by Firearm, 2006–2010**

Sex of Shooter	Sex of Person Killed	Number of Justifiable Homicides											
		2006		2007		2008		2009		2010		Total	
Male	Male	163	98.2%	176	98.3%	190	99.0%	198	99.5%	202	98.5%	<b>929</b>	<b>98.7%</b>
	Female	3	1.8%	3	1.7%	2	1.0%	1	0.5%	3	1.5%	<b>12</b>	<b>1.3%</b>
Female	Male	15	100.0%	11	91.7%	10	90.9%	13	100.0%	23	95.8%	<b>72</b>	<b>96.0%</b>
	Female	0	0.0%	1	8.3%	1	9.1%	0	0.0%	1	4.2%	<b>3</b>	<b>4.0%</b>
<b>Total</b>		<b>181</b>		<b>191</b>		<b>203</b>		<b>212</b>		<b>229</b>		<b>1,016</b>	

**Table Seven: Race of Shooter in Justifiable Homicides by Firearm, 2006–2010****Page 17**

Race of Shooter	Number of Justifiable Homicides											
	2006		2007		2008		2009		2010		Total	
White	103	55.1%	97	49.5%	114	55.6%	112	52.6%	121	52.6%	<b>547</b>	<b>53.1%</b>
Black	71	38.0%	83	42.3%	74	36.1%	91	42.7%	102	44.3%	<b>421</b>	<b>40.8%</b>
Asian	4	2.1%	8	4.1%	11	5.4%	6	2.8%	5	2.2%	<b>34</b>	<b>3.3%</b>
American Indian	1	0.5%	1	0.5%	1	0.5%	1	0.5%	0	0.0%	<b>4</b>	<b>0.4%</b>
Unknown	8	4.3%	7	3.6%	5	2.4%	3	1.4%	2	0.9%	<b>25</b>	<b>2.4%</b>
<b>Total</b>	<b>187</b>		<b>196</b>		<b>205</b>		<b>213</b>		<b>230</b>		<b>1,031</b>	

**Table Eight: Race of Persons Killed in Justifiable Homicides by Firearm, 2006–2010**

Race of Person Killed	Number of Justifiable Homicides											
	2006		2007		2008		2009		2010		Total	
White	75	40.1%	74	37.8%	82	40.0%	87	40.8%	90	39.1%	<b>408</b>	<b>39.6%</b>
Black	106	56.7%	119	60.7%	115	56.1%	122	57.3%	138	60.0%	<b>600</b>	<b>58.2%</b>
Asian	1	0.5%	0	0.0%	2	1.0%	1	0.5%	0	0.0%	<b>4</b>	<b>0.4%</b>
American Indian	4	2.1%	1	0.5%	3	1.5%	2	0.9%	1	0.4%	<b>11</b>	<b>1.1%</b>
Unknown	1	0.5%	2	1.0%	3	1.5%	1	0.5%	1	0.4%	<b>8</b>	<b>0.8%</b>
<b>Total</b>	<b>187</b>		<b>196</b>		<b>205</b>		<b>213</b>		<b>230</b>		<b>1,031</b>	

**Table Nine: Race of Shooter and Person Killed, Justifiable Homicides by Firearm, 2006–2010**

Race of Shooter	Race of Person Killed	Number of Justifiable Homicides											
		2006		2007		2008		2009		2010		Total	
White	White	62	60.2%	64	66.0%	71	62.3%	77	68.8%	82	67.8%	356	65.1%
	Black	39	37.9%	31	32.0%	38	33.3%	34	30.4%	37	30.6%	179	32.7%
	Asian	0	0.0%	0	0.0%	1	0.9%	0	0.0%	0	0.0%	1	0.2%
	American Indian	1	1.0%	0	0.0%	3	2.6%	1	0.9%	1	0.8%	6	1.1%
	Unknown	1	1.0%	2	2.1%	1	0.9%	0	0.0%	1	0.8%	5	0.9%
Black	White	9	12.7%	5	6.0%	5	6.8%	8	8.8%	5	4.9%	32	7.6%
	Black	61	85.9%	78	94.0%	69	93.2%	83	91.2%	97	95.1%	388	92.2%
	Asian	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	American Indian	1	1.4%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.2%
	Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Asian	White	1	25.0%	2	25.0%	5	45.5%	0	0.0%	1	20.0%	9	26.5%
	Black	2	50.0%	6	75.0%	5	45.5%	4	66.7%	4	80.0%	21	61.8%
	Asian	1	25.0%	0	0.0%	1	9.1%	1	16.7%	0	0.0%	3	8.8%
	American Indian	0	0.0%	0	0.0%	0	0.0%	1	16.7%	0	0.0%	1	2.9%
	Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
American Indian	White	0	0.0%	0	0.0%	1	100.0%	1	100.0%	0	0.0%	2	50.0%
	Black	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	Asian	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	American Indian	1	100.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	2	50.0%
	Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>		<b>179</b>		<b>189</b>		<b>200</b>		<b>210</b>		<b>228</b>		<b>1,006</b>	

**Table Ten: Weapon Used in Justifiable Homicides, 2006–2010**

Page 19

Weapon	Number of Justifiable Homicides											
	2006		2007		2008		2009		2010		Total	
Firearm	187	80.3%	196	78.1%	205	83.0%	213	81.9%	230	83.0%	<b>1,031</b>	<b>81.3%</b>
Knife or cutting instrument	31	13.3%	37	14.7%	30	12.1%	29	11.2%	32	11.6%	<b>159</b>	<b>12.5%</b>
Blunt object	3	1.3%	0	0.0%	0	0.0%	3	1.2%	4	1.4%	<b>10</b>	<b>0.8%</b>
Bodily force	3	1.3%	10	4.0%	3	1.2%	8	3.1%	4	1.4%	<b>28</b>	<b>2.2%</b>
Strangulation	1	0.4%	0	0.0%	0	0.0%	0	0.0%	0	0.00%	<b>1</b>	<b>0.1%</b>
Asphyxiation	0	0.0%	0	0.0%	1	0.4%	1	0.4%	0	0.00%	<b>2</b>	<b>0.2%</b>
Unknown	8	3.4%	8	3.2%	8	3.2%	6	2.3%	7	2.5%	<b>37</b>	<b>2.9%</b>
<b>Total</b>	<b>233</b>		<b>251</b>		<b>247</b>		<b>260</b>		<b>277</b>		<b>1,268</b>	

**Table Eleven: Type of Firearms Used in Justifiable Homicides, 2006–2010**

Weapon	Number of Justifiable Homicides											
	2006		2007		2008		2009		2010		Total	
Firearm, type not stated	11	5.9%	9	4.6%	19	9.3%	21	9.9%	28	12.2%	<b>88</b>	<b>8.5%</b>
Handgun	152	81.3%	158	80.6%	162	79.0%	163	76.5%	166	72.2%	<b>801</b>	<b>77.7%</b>
Rifle	10	5.3%	8	4.1%	11	5.4%	9	4.2%	8	3.5%	<b>46</b>	<b>4.5%</b>
Shotgun	14	7.5%	20	10.2%	13	6.3%	19	8.9%	28	12.2%	<b>94</b>	<b>9.1%</b>
Other Gun	0	0.0%	1	0.5%	0	0.0%	1	0.5%	0	0.0%	<b>2</b>	<b>0.2%</b>
<b>Total</b>	<b>187</b>		<b>196</b>		<b>205</b>		<b>213</b>		<b>230</b>		<b>1,031</b>	