

Bazon Response to the President's Executive Actions to Reduce Gun Violence

January 5, 2016 – The Bazon Center for Mental Health Law is deeply concerned that some of the President's recently announced actions to address gun violence wrongly target people with mental illness as a significant source of the problem. Specifically, these proposals include an effort to report individuals with mental illness who have representative payees to manage their Social Security benefits for inclusion in the gun background check database. People with mental illness are responsible for less than five percent of violence, and are not more likely than their neighbors to engage in violence. Moreover, we are not aware of any data showing that people who have representative payees to manage their finances are more likely to engage in gun violence.

Making these false connections simply reinforces the fears and prejudices that have kept people with mental illness out of jobs, housing, and participation in many aspects of mainstream life. In fact, people with mental illness are more likely to be victims of violence than perpetrators. Other characteristics – such as a history of violence or substance abuse– are far more predictive of a tendency to be violent in the future, and yet only those who have committed “qualifying crimes of domestic violence” are targeted by the President's new actions.

This Administration has made a serious commitment to expand community integration, housing and employment opportunities for people with disabilities, and promoting unfounded fears about people with mental illness undermines efforts to encourage neighbors, landlords and employers to be partners in promoting the inclusion of people with disabilities.

Moreover, the gun control statute at issue does not authorize reporting of people who simply have a representative payee. Indeed, the statute does not require the Social Security Administration (SSA) to report anyone to the gun background check database. We urge SSA to exercise its discretion to report individuals to the database only if there is a meaningful opportunity to stop gun violence. It will not serve anyone's interest to report to the database people who have no more likelihood than anyone else of committing gun violence. Government resources should not be diverted from processing urgent applications for benefits and spent instead on making convoluted determinations about whom to report to the gun database---an area outside of the Social Security Administration's expertise. And ineffective efforts to address gun violence should not distract us from the pursuit of measures that will make a real difference.

It is encouraging that the White House has pledged \$500 million to help people with serious mental illness gain access to care. This is a good start, but only if the funds are used to pay for effective services like supportive housing, supported employment,

mobile crisis teams, peer support services, and other services that afford people better lives and help prevent needless institutionalization and incarceration

We must take action to reduce gun violence and overall the Bazelon Center strongly supports the President's efforts to do so. But we must ensure that the steps we take are effective and fair.