

To:
State Senator Jeff King
State Representative Vergil Peck

From:
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Date:
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Subject:
Data collection on the possible causes of the recent apparent upsurge in irrational and increasingly violent incidents.

While the following proposal is indeed highly intrusive, it is less intrusive than the alternative of revoking one of the specifically enumerated rights of American citizens contained in the Bill of Rights of the Constitution. ***This is not a case of selecting the good over the bad, but rather selecting the bad over the worse.***

It appears clear from the recent media reports there is a huge increase in violent irrational incidents of all types, only some of which involve firearms, albeit these receive the most media attention. As firearms have been far more widely available in the past, something else must have changed. Unfortunately, we seem to be mired in endless wrangling over stale arguments going back 100 years or more, and about symptoms, rather than identifying/addressing the current problems.

Rather than continued theorizing of minimal to no utility, it is strongly suggested ***the state of Kansas take the lead in compiling hard data*** on, not only firearm related, but all violent and irrational crime resulting in, OR WHICH COULD HAVE RESULTED IN, death or serious injury. One example of a non-firearm, non-veteran irrational and violent incident that resulted in death can be seen at <http://www.bloomberg.com/news/2013-02-12/wife-of-former-upenn-basketball-star-charged-with-his-murder.html>

This should be a separate line of inquiry from the normal police investigatory process, although the some of the same data may well be recovered by normal parallel police investigation. ***This differentiation is important because if the information and data developed by this process is not allowed as evidence in a civil or criminal legal action, the right of the accused perpetrator to refuse to participate or cooperate with this investigation on the grounds of self incrimination, medical privacy, etc., are also eliminated.*** While in many cases a proximate or immediate cause of a particular incident can be identified, the intent of the following suggestions is to identify the CHAIN OF CAUSALITY, establish common links or stages in these chains across incidents, and if possible identify the stages or links where these incidents could have been prevented at minimal cost and intrusion, ***rather than tampering with the Bill of Rights of the U.S.***

Constitution.

Specifically what is suggested is the enactment of a statute, backed with criminal sanctions including heavy fines and prison time, ***eliminating local police discretion*** as to the types and amounts of information collected on violent and irrational incidents, the amounts and types of information they must release, although not necessarily to the public, and establishing a central state wide data repository, possibly under the State Department of Health, on these incidents.

This is critical for two reasons: (1) This can provide early warning of trends; and (2) The amassing of data, from otherwise isolated incidents, allows statistical tests, such as epidemiological studies, to be performed, particularly when other data sources such as the introduction and production/consumption amounts of “new” substances such as food additives, household chemicals, pesticides, etc., or new social factors such as violent video games, with unprecedented levels of virtual reality, are included.

Some specific actions (most likely there are many others) that should be included the mandatory violent/irrational incident investigation protocol are:

- I. As soon as practicable after the arrest of a suspect, or the recovery of their body, the following ***MUST*** be performed/accomplished by the arresting department, using the nearest suitable medical facility:
 - A. Blood, saliva, hair and urine samples must be obtained and forwarded to the KBI, under the normal “chain of evidence” controls, for a complete toxicological scan for known legal and illegal drugs, unknown substances, heavy metals and unusual concentrations of naturally occurring components such as blood sugar or adrenalin. So there is minimal delay, the statute should explicitly provide that a judge shall issue an order to sedate or anesthetize the suspect, if required, for any or all of these procedures.
 - B. A CAT or MRI scan of the suspect's head to detect any abnormalities or evidence of injuries such as a concussion. So there is minimal delay, the statute should explicitly provide that a judge shall issue an order to sedate or anesthetize the suspect, if required, for any or all of these procedures. Depending on the results of the MRI/CAT scans, other medical tests such as a Wassermann test for syphilis may also be ordered.
 - C. An interview of the suspect by a qualified forensic psychologist to determine prima facie sanity, and if the suspect is cooperative conduct more in depth interviews to determine characteristics such as the amount and type of TV watched, amount and type of video games played, recreational drug and alcohol use, amount and types of nicotine/tobacco use, amount and types of caffeine consumption including “energy drinks,” etc. This data to be forwarded to the central data repository for coding and inclusion in the database. As this is self

reported data, from an individual who may well be a pathological liar, it should be “vetted” to the extent possible.

- D. A through search of the suspects residence(s), out buildings, rental storage units, vehicles, etc. with a search warrant, possibly expedited, with seizure as appropriate, particularly, for legal/prescription and illegal drugs, violent video games, violent/snuff pornography, child pornography, unusual or exceptional amounts or types of ammunition, firearms or knives/swords, cult religious or extremist political literature, bondage and discipline paraphernalia, etc. with a full inventory to the central database for coding and inclusion. Of special importance will be the examination of any home computers, emails and other correspondence, as to not only their content, but their addressees or senders, with the names and addresses entered in the database and cross-referenced to determine if there was any common communications links between the suspects.

Given the wide availability of inexpensive digital cameras, maximum use should be made to photograph and forward all “unusual” art (including tattoos) and objects to the central data repository. A ruler should be included in all photographs to provide an indication of size/scale.

- E. The TSA should be contacted to determine the dates and destinations of air trips for the preceding year, and this information should entered in the database and cross referenced to determine if there were any common destinations between/among suspects, e.g. did they all travel to the same city or did they all take an out of state trip in the 60 day day period preceding the violent illogical incident?
- II. The following should *NOT* be conducted by the *LOCAL* law enforcement agency *because of likely serious personal departmental and local community “conflicts of interest,”* and indeed, in many cases will most expeditiously accomplished through the state regulatory/licensing bodies rather than the normal law enforcement/investigative agencies, with the information sent directly to the central data repository for coding and database entry, to prevent “editing” or “short stopping.”
- A. A review of all local [including adjacent jurisdictions, sheriff's departments, etc.] police reports and other documents such as field interrogation cards that mention the suspect, including any juvenile records, reports of incidents at the residence(s) of the suspect (such as parental spousal abuse or animal cruelty), with copies to the central data repository for coding and inclusion in in the database. This is an area where it will be particularly necessary to provide severe criminal penalties for concealment or omission of records. *If the data isn't computerized to allow easy retrieval and cross referencing, this indicates a serious separate problem, given the very low cost of personal computers, and*

the large amounts of state and federal funds expended to upgrade local law enforcement, which must be corrected.

- B. A review of all state/local social service and child welfare agency records that mention the suspect, with copies to the central data repository for coding and inclusion in the data base. Any record of child abuse, neglect or molestation or referral for psychiatric services, are of particular concern. This is an area where it will be particularly necessary to provide severe criminal penalties for concealment or omission of records.
- C. A review of all state pharmacy records for legal drugs purchased by the suspect for the previous three years, with copies to the central data repository for coding and inclusion in the data base. This is an area where it will be particularly necessary to provide severe criminal penalties for concealment or omission of records. Requiring all licensed physicians in the state to provide records of any treatment the suspect may have received in the previous three years. Depending on what these records indicate, additional history may be required. This is analogous to the requirement that certain communicable diseases, child molestation, and gunshot wounds must be reported. This is an area where it will be particularly necessary to provide severe criminal penalties for concealment or omission of records.
- D. If possible juvenile problems are indicated, requiring all school records, particularly including disciplinary and guidance records to be provided for coding and inclusion in the database. This is an area where it will be particularly necessary to provide severe criminal penalties for concealment or omission of records.
- E. If the available/compiled records indicate out of state residence periods, request other law enforcement agencies for information via NCIC through the KBI, and request similar information from corresponding social service and professional regulatory agencies in other states through the Kansas agencies, with the information to be sent directly to the central data repository for coding and entry. If the suspect served in the Armed forces, this should include their service record, particularly combat tours, injuries, and combat related commendations/awards.