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Another Public Health Crisis: The Intersection of Gun Violence & COVID-19

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As COVID-19 ravages communities across the United States, another serious public health crisis is also escalating: gun violence. Everytown for Gun Safety, a nonprofit organization and longtime Proskauer partner dedicated to ending gun violence, has been examining the impact of COVID-19 on the gun violence epidemic, as well as making important recommendations.

In a recent report, Everytown found that there was a major spike in gun sales between March and May of 2020 in comparison to previous years, as well as a corresponding rise in gun deaths. As a result of these sales, there has been a corresponding sharp increase in requests for background checks, which puts immense stress on the National Instant Criminal Background Check System (NICS). Everytown notes that the primary and most dangerous consequence of this strain on resources is the so-called "Charleston loophole." While federal law mandates that licensed gun dealers run a background check on any prospective gun buyer, this loophole allows any purchaser, even one with an incomplete background check, to proceed by default with their gun purchase if three business days have elapsed since the background check request was submitted – the technicality through which Dylann Roof was able to secure a firearm to kill nine Black churchgoers in South Carolina. As a result, a significant number of gun sales (potentially over 90,000) have been processed during the course of the COVID-19 pandemic thus far without complete background checks.

Beyond the background check issues that continue to persist, Everytown has found gun violence in America amid the pandemic to be especially devastating to the nation's most vulnerable populations. With the closure of schools across the country, the surge in gun sales has significantly increased the prevalence of child suicide and injury: there has been more than a 30% increase in accidental shootings by children during the pandemic when compared to the previous three years. The rise in these tragedies is unsurprising given that over 80% of child gun suicides involve a family member's household gun, and almost 77% of accidental shootings by children occur in the home. In addition to children, survivors of domestic violence have faced an increased risk of harm. As a result of the widespread economic turmoil and stay-at-home orders issued across the country, domestic violence incidents have become much more frequent and dangerous. Not only have many victims been confined to their homes with their perpetrators, but the surging gun sales and incomplete background checks also enable easier access to guns in these confined households: domestic abusers are five times more likely to kill their victims if a gun is present.

Everytown's findings also demonstrate the alarming rates at which gun violence and COVID-19 disproportionately affect Black Americans: not only are they almost twice as likely to die from COVID-19 than their White counterparts, but they are over four times as likely to die from homicide with a firearm. The disparate impact of the COVID-19 and gun violence crises on Black Americans is due to the long-standing systemic racism in this country, which continues to put Black Americans at a considerable disadvantage in terms of health and safety. In reference to the pandemic in particular, Everytown found that Black Americans have been disproportionately affected by layoffs and business closures, thereby causing increased poverty and unemployment, which in turn have a significant bearing on the prevalence of gun violence.

As a result of their findings and to further their mission, Everytown has put together a list of emergency actions that state governors should take to combat the escalation of these comorbid emergencies. The list includes taking action to close the Charleston loophole or, at the least, extend the time period for conducting background checks, as well as educating the public (especially potential first-time gun purchasers) of the risks of gun ownership.

With respect to household gun violence issues, Everytown also urges governors to promote the secure storage of firearms, prioritize extreme risk and “red flag” protection laws, and expand access to and enforcement of orders of protection for those most at risk of harm. Finally, Everytown advises that governors provide support for gun violence intervention and support programs, as well as enact legislation to prevent individuals from building or obtaining untraceable “ghost guns.”

Last month, Proskauer hosted, as part of its summer associate program, a webinar conducted by Everytown to review recent developments in the law and highlight the organization’s critically important work. Not surprisingly, this was among our most compelling and best attended pro bono events of the summer. The firm greatly values its relationship with Everytown for Gun Safety, and will continue to contribute substantial pro bono efforts in the fight for a safer and more just America.

The author wishes to acknowledge former Proskauer Summer Associate Sara Leonard for her assistance in drafting this blog post.

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