



P.O. Box 7501
Denver, Colorado 80207
303-380-6711
web: www.ColoradoCeasefire.org

For Immediate Release

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Open Carry Enables Precious Seconds to Pass No Constitutional Right to Open Carry

The Halloween morning deadly shooting rampage in Colorado Springs has raised questions about whether the police response was sufficiently timely. Yesterday evening, police released 911 tapes that reveal the practice of “open carry” was the primary reason for the delay in an urgent response.

8:45 Naomi Bettis calls to report that she sees a man on her street carrying a big black rifle and several cans of gasoline. Over six minutes of conversation, she relays to the dispatcher the activities and a description of the man, noting that he had gone into another building and then emerged also carrying a handgun. She tells the dispatcher that she is “scared to death.”

The dispatcher relates to her “It is an open carry state, so he can have a weapon with him or walking around with it. But, of course, having those cans of gasoline it does seem pretty suspicious, so we’re going to keep the call going for that.”

8:55 Naomi Bettis again calls 911 saying “The guy came back out and he, he fired a gun at somebody, and he’s lying in the street dead.”

Andrew Meyers, a father of two and a veteran who survived 3 tours in Iraq had just been shot and killed while bicycling in his home city.

8:57 (approximately) Bettis sobs “I think he’s still shooting. I heard some more shots fired from that gun that he’s got.”

It is possible this was when the shooting deaths of Jennifer Vasquez and Christina Baccas-Gallela occurs.

8:59 (approximately) Bettis says “I just heard another gun fire. I think the police probably found him. I see the police lights going west on Platt.”

The shooter was killed in a firefight with police.

Examining the timeline and doing the math, it appears that a more urgent and rapid police response could likely have saved the lives of all three individuals. In its data release, the police department defended the dispatcher and released protocols to verify that she was indeed following those.

Although it is puzzling that the cans of gasoline made the scenario more dangerous than just the black gun, the problem lies not in the dispatcher’s actions. The real problem is that Colorado allows openly

carried weapons on our streets. Aggressive behaviors of gun rights advocates in asserting “their rights” have cowed law enforcement from reasonable rapid reaction to openly-carried guns. For example, in 2013 Colorado Springs settled a lawsuit for \$23,500 for an arrest over an openly-carried firearm in a city park.

Carrying a rifle, especially a military assault rifle, in the public arena is not normal behavior, and should invoke an urgent response. Tom Mauser, who lost his son Daniel at Columbine High School, said “this is what happens when we try to normalize abnormal behavior.”

In a Colorado Springs Gazette article, three officials noted the difficulty of balancing constitutional rights and public safety. But it is clear: **there is no constitutional right to open carry**, neither under the U.S. nor Colorado constitutions. Open carry is prohibited either fully or partly in nineteen other states¹, and it is also prohibited in the city and county of Denver.

Colorado legislators can return our streets to normal. Citizens should not be terrorized in their own communities by the presence of gun-toting individuals in public places. The Colorado General Assembly can and should prohibit openly carried firearms.

1 California, Illinois, Florida and the District of Columbia fully prohibit open carry. Connecticut, New Jersey, Maryland, New York, Massachusetts, Hawaii, Rhode Island, Minnesota, Iowa, Indiana, Georgia, Tennessee, Texas, Oklahoma, South Carolina, and Utah prohibit open carry for certain weapons or require a permit. (Brady Campaign and Law Center to Prevent Gun Violence 2013 scorecard. Law Center to Prevent Gun Violence 2014 state records).

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