

EXTREME RISK PROTECTION ORDERS



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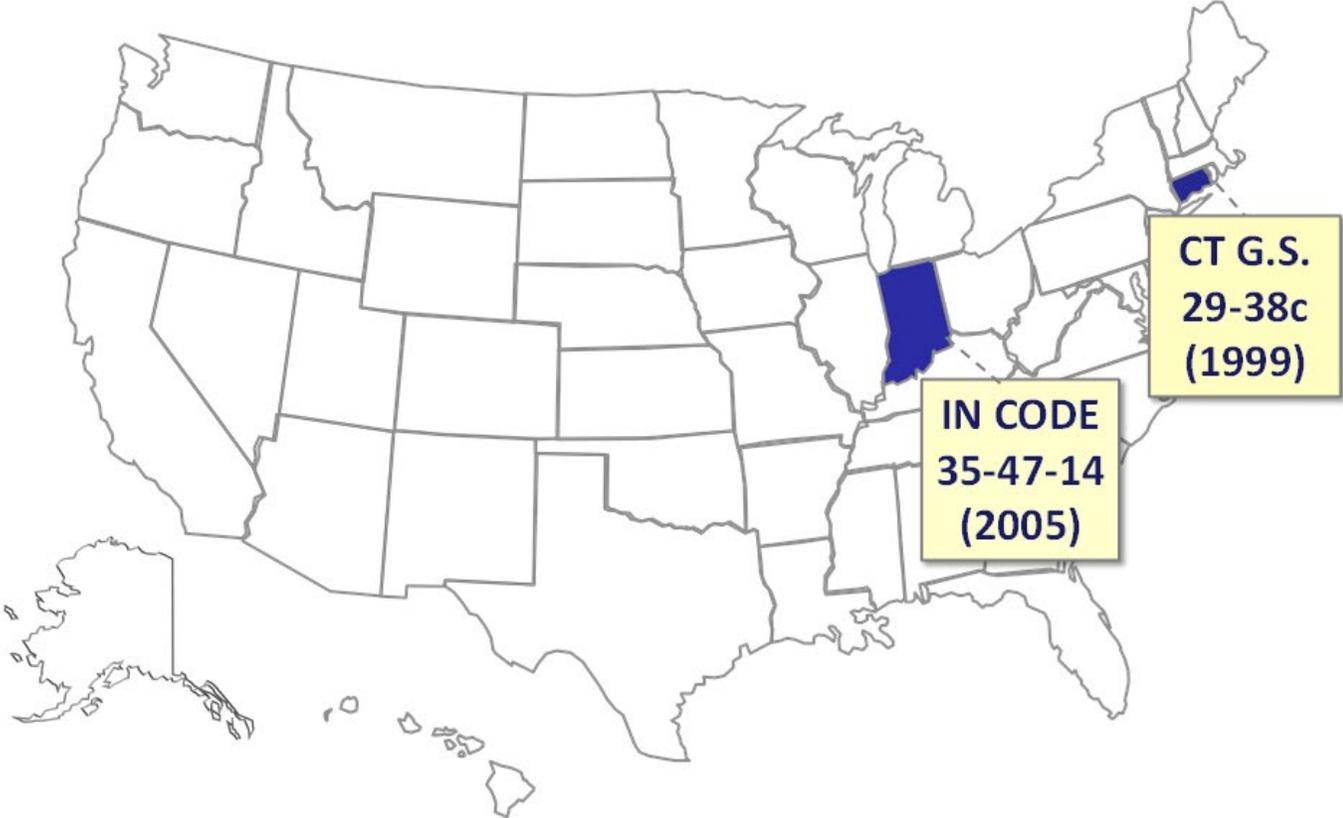


Policy Introduction

- Problem: Many people who pose a high risk of harming someone with a firearm can legally possess guns and would pass a background check at the point of sale.
- Extreme risk protection order (ERPO) laws address this problem:
 - Give police officers clear authority to remove firearms from persons who pose a high risk
 - Allow family members to seek an ERPO from a court to remove firearms from a relative who poses a high risk of harm to self or others
- Typical features of ERPOs:
 - Risk-based: “imminent risk”
 - Time-limited: up to 1 year
 - Civil-court order with legal due process (not criminalizing):
 - ex-parte order for short term removal
 - court hearing within 2 weeks for longer-term retention of guns

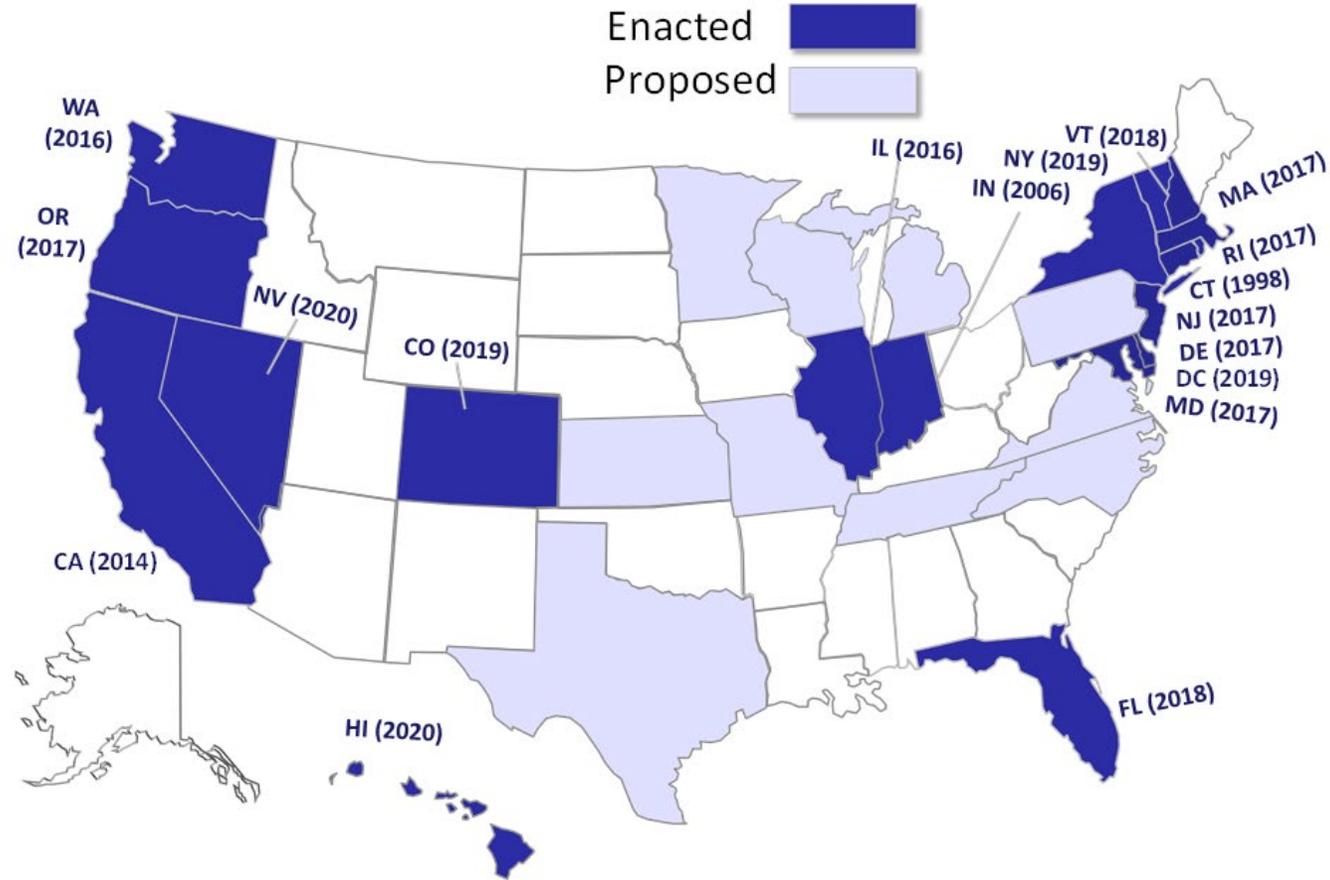
What We Know

States with risk-based gun removal laws, 2013



What We Know

States with risk-based gun removal laws, 2019



What We Know

- Research studies conducted in Connecticut and Indiana show:
 - Reason for risk concern:
 - Suicide ideation or threat: CT 61%; IN 68%
 - Homicidal ideation or threat: CT 32%; IN 21%
 - Alcohol or drug intoxication: CT 30%; IN 26%
 - Acute mental illness/dementia: CT 17%; IN 16%
 - Average number of firearms removed per person: 7 in CT, 3 in IN
 - Police transport to hospital for evaluation/treatment: CT 55%; IN 69%
 - Matched death records show suicide risk 30 to 40 times higher than general population
 - For every 10 to 20 risk-based gun removal actions, 1 life was saved through averted suicide
 - Anecdotal evidence shows that ERPOs has been used to thwart some mass shootings.

Opportunities

- ERPO laws are in place in 17 states and the District of Columbia
 - Assuring ERPO laws are implemented to maximize impact is critical
 - Guidance and model ERPO implementation efforts are available at:
<https://americanhealth.jhu.edu/implementERPO>
- Most states without ERPO laws have considered ERPO bills
 - All states should enact ERPO laws
- Research is needed to identify best ERPO implementation practices
- Research is needed to evaluate ERPO laws

Recommendations

- Congress should:
 - Provide funding to support ERPO implementation
 - Train law enforcement
 - Incentivize and support multi-agency ERPO law enforcement teams
 - Educate allied professionals and community stakeholders about ERPO implementation
 - Assure National Instant Background Check System includes ERPO respondents
 - Support research to identify best practices for ERPO implementation; measure ERPO impacts
- States should:
 - Enact ERPO
 - Implement ERPO

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Policy Introduction

- 3.4% of nonfatal intimate partner violence events involve a firearm (Truman & Morgan, 2014)
- 58% of intimate partner homicides involved a firearm in 2017 (SHR 2017)
- Between 6% and 20% of intimate partner homicides involve additional fatal victims; most are committed with firearms (Smith et al., 2014; Smucker et al., 2014; Yousuf et al., 2017)
- Two avenues for firearm restrictions for intimate partner violence perpetrators
 - Domestic violence restraining orders (DVRO)
 - Domestic violence misdemeanor convictions

What We Know - Domestic violence restraining order firearm restrictions

- Longitudinal ecological-level studies of state-level DVRO firearm restriction laws are consistent in finding that they are associated with reductions in both intimate partner homicide committed with firearms and total intimate partner homicide (Vigdor & Mercy, 2003, 2006; Zeoli et al., 2018; Zeoli & Webster, 2010).
- But these laws vary on important features:
 - Whether dating partners are included under those who can be restricted
 - Whether emergency (ex parte) orders carry firearm restrictions
 - Whether the state has a law specifying that someone must relinquish firearms they already possess if they are restricted

What We Know: DVRO firearm restriction provisions

- Coverage of dating partners
 - Associated with 13% reduction in intimate partner homicide, 16% reduction in firearm intimate partner homicide (Zeoli et al., 2018)
- Coverage of ex parte orders
 - Associated with 13% reduction in intimate partner homicide, 16% reduction in firearm intimate partner homicide (Zeoli et al., 2018)
- Inclusion of gun relinquishment provision
 - Associated with 10 - 12% reduction in intimate partner homicide, 14 - 16% reduction in firearm intimate partner homicide (Diez et al., 2017; Zeoli et al., 2018)

What We Know: Misdemeanor firearm restrictions

- Domestic violence misdemeanor firearm restriction:
 - Federal restriction associated with reductions in firearm intimate partner homicide across states (Raissian, 2015; Zeoli et al., 2018)
 - State restrictions not associated with intimate partner homicide (Vigdor & Mercy, 2003, 2006; Zeoli et al., 2018; Zeoli & Webster, 2010)
- Violent misdemeanor firearm restrictions (NO relationship requirement)
 - Associated with 23% reduction in total IPH and 21% reduction in firearm intimate partner homicide (Zeoli et al., 2018)

What We Know: Implementation of restrictions

- Possession restriction: Some jurisdictions doing innovative and carefully considered work to legally require relinquishment of firearms now possessed illegally, but more jurisdictions need to take this work on.
- Purchase restriction:
 - Requires disqualifying records to be in the background check system
 - Requires a background check occur

Recommendations

- Congress and state legislatures should extend domestic violence restraining order firearm restrictions to
 - Dating partners
 - Ex parte orders
- Congress and state legislature should extend firearm restrictions to violent misdemeanants (no relationship requirement)
- Congress, state legislatures, and implementing organizations should improve implementation of restrictions
 - Relinquishment laws and written protocols + resources (more local action)
 - Purchaser licensing laws for FFL and private seller sales

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Policy Introduction

- National Instant Criminal Background Check System
 - Only required for purchases from licensed dealers under federal law
 - 3 days to complete additional review
 - Gaps in data reporting
 - Name, date of birth, race, and gender for check
- Firearm Purchaser Licensing
 - Application to state or local law enforcement
 - Applicants may submit fingerprints or photograph
 - Time to process application on average 30 days
 - Duration of license, law enforcement discretion, and safety training requirements vary between states

What We Know

- Effects of Private Sale Background Check Laws
 - Lower rates of inter-state gun trafficking
 - Important role in function of other gun laws
 - Not associated with reductions in gun homicide

What We Know

- Effects of Firearm Purchaser Licensing Laws
 - Reductions of in-state crime gun recovery
 - Lower rates of firearm homicide
 - Lower rates of firearm suicide
 - Reductions in fatal mass shootings and number of victims killed

What We Know

- Public support for private sale background checks
 - Supported by more than 85% of US adults
 - No differences by gun ownership or political ideology
- Public support for firearm purchaser licensing
 - Supported by more than 75% of US adults
 - Supported by 62% of gun owners overall
 - Supported by 77% of gun owners living in states with licensing laws

Recommendations

- Congress should pass legislation requiring background checks for all gun sales
- Congress should explore the feasibility of a federal licensing system
- States should complement background check requirements with licensing system including:
 - Fingerprinting
 - In-person application
 - Safety training
- State and federal law enforcement should hold sellers and buyers accountable
- Congress should provide incentives to support state efforts

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Policy Introduction

- Prohibit the manufacture and sale of assault weapons and large-capacity magazines (LCMs - > 10 rounds). Prohibit possession of pre-ban assault weapons and LCMs.
- Assault weapons: semi-automatic firearms that accept detachable ammunition magazines and have features useful in military or criminal use (e.g., folding stocks, pistol grips, barrel shrouds).



- Federal ban of assault weapons and LCMs 1994-2004.
- 7 states and DC ban some assault weapons and LCMs. 2 states just ban LCMs.
- Pre-banned AWs: DC prohibits, 2 states limit location, 2 states require license and registration.

What We Know

- Assault rifles account for 5% of crime guns traced by the ATF, 13% of shootings of law enforcement officers, and 10% to 36% of fatal mass shooting incidents (Koper 2018, 2020).
- Large capacity magazine use not recorded by FBI's UCR or by ATF tracing. City-level studies: 22% to 36% of crime guns had LCM. 20% to 67% of fatal mass shooting depending on definition and data source (Koper 2020).
- Fatal mass shootings with LCMs have 60%-67% higher fatalities counts and 100%-200% higher nonfatal wounding counts than fatal mass shootings without LCMs (Koper 2020).
- Regression analysis of active shooter events 2000-2017 tracked by FBI, use of semi-auto rifle associated with 97% more fatalities and 81% more nonfatal woundings (Jager et al., 2018).

What We Know

- Fox and Fridel (2016) used FBI SHR data on fatal mass shootings found no association between the incidence of fatal mass shootings and the presence of the federal ban of assault weapons and LCMs. Did not examine impact on number of victims shot.
- DiMaggio et al. (2019) report that the period during which the federal ban of assault weapons and LCMs was in place (1994-2004), fatal mass shootings were 70% less likely to occur. No statistical controls or other gun laws examined and case inclusion skewed data to largest fatality counts.
- Gius (2015) found evidence that federal and state bans of assault weapons and LCMs were linked to lower rates of fatalities in mass shootings (1982-2011). Did not control for other gun laws.

What We Know

- Our new study (Webster et al., 2020) examines FBI and open-source data on fatal mass shootings (4+ victims) 1985-2017 excluding robberies, drug/gang-related events. 604 shootings (36 not found in SHR including Newtown, Aurora, and Sutherland Springs) 2,976 deaths. Statistically controlled for broad range of gun laws, gun ownership proxy, socio-demographic variables.
- Federal ban was not associated with the incidence of fatal mass shootings or rate of fatalities.
- State bans of assault weapons were not associated with significant reductions either, though point estimate indicated a 29% reduction in incidence of fatal mass shootings.
- Substitutes for banned guns - grandfathered guns, modest changes to banned guns, assault weapon from other states - may reduce impact of bans of sale of assault weapons.

What We Know

- State bans of large capacity magazines associated with 49% decrease in the incidence and 70% decrease in rate of fatalities from mass shootings. Effects even larger if use 5+ or 6+ victim death threshold for inclusion.
- LCM ban estimates were robust to different model assumptions except one that assumed immediate effect. Gradual effect model indicates 25% lower incidence, but not statistically significant.

Recommendations

- Congress and state legislatures should:
 - Ban the sale and possession of large capacity magazines.
 - Stiff penalties for criminal use or illegal sale of large capacity magazines.
 - Buy-back of large capacity magazines.
 - Require a license for semi-automatic rifles - as well as handguns - with rigorous standards and background checks.