

Empowering Families & Law Enforcement to Prevent Gun Tragedies in Massachusetts

EXTREME RISK PROTECTIVE ORDER | MESSAGE ARCHITECTURE | May 2017

House Bill 3081 | INTRODUCED BY Rep. David Linsky (LD5)

TOPLINE MESSAGE

Extreme Risk Protective Orders empower Massachusetts families and law enforcement to prevent gun tragedies by temporarily reducing access to guns for individuals at an elevated risk of endangering themselves or others.

In Massachusetts, a gap in the law makes it hard for families to intervene to limit a person's access to guns even when they have demonstrated signs of a serious crisis. An Extreme Risk Protective Order creates a mechanism for family members and household members to work with law enforcement to temporarily remove guns and prevent the purchase of new guns for individuals who pose a potential risk to themselves or others. This law will save lives while ensuring critical legal protections for respondents, just as it has in states that have already taken this responsible step.

2,287

People from Massachusetts were killed by gunfire in the last decade.⁹

ONE LIFE IS SAVED FOR EVERY 10-20 RISK-WARRANTS ISSUED.

(Connecticut's ERPO-style law).^{7,8}

55%

of Massachusetts gun deaths in 2015 were suicides.⁹

85%

of suicide attempts with a firearm are fatal, making firearms the most lethal suicide attempt method that is commonly available. Temporarily reducing access to guns significantly increases the likelihood of surviving a suicidal crisis.¹⁰

90%

of people who survive a suicide attempt do not ultimately die by suicide.¹¹

This new law would empower families and law enforcement to prevent tragedies by temporarily reducing access to guns by individuals who are at risk of endangering themselves or others.

- A common thread in many shootings is that family members of the shooters had seen their loved ones engage in dangerous behaviors and had concerns about their risk of harming themselves or others – even before any violence occurred.
- Family members are often the first to know when a loved one is in crisis in the many incidents of interpersonal violence and suicide that take place across this country every day.
- Unfortunately, there is a gap in our laws that makes it difficult for families and law enforcement to intervene, even in the face of evidence that the individual poses an elevated risk for harm.
- An Extreme Risk Protective Order (ERPO) fills this gap by creating a mechanism for family members and household members to work with law enforcement to temporarily remove guns and prevent the purchase of new guns by individuals who pose a heightened risk of harm to themselves or others.

Extreme Risk Protective Orders help save lives—just as they have in other states that have taken this responsible step.

- California enacted this life-saving law in 2014, and Washington voters overwhelmingly passed this type of law in November 2016. Connecticut and Indiana have similar laws that allow only law enforcement to intervene when people are in crisis and have easy access to guns.
- In the first fourteen years of the implementation of Connecticut's law, it is estimated that for every 10 to 20 risk-warrants served, one suicide was prevented. In addition, nearly one third of respondents received critical mental health and substance abuse treatment as a result of the intervention.^{1,2}
- Deadly shootings, such as the University of California, Santa Barbara campus shooting in 2014, can be prevented by an ERPO. In that situation, the shooter had exhibited dangerous behaviors prior to the shooting, and his parents shared their concerns with his therapist who contacted law enforcement. The police briefly interviewed him but had no legal authority to intervene. An ERPO provides a legal process to prevent tragedies like this from occurring.

An Extreme Risk Protective Order helps prevent gun suicides.

- People experiencing a crisis may be at an elevated risk of suicide. Those in a suicidal crisis are much more likely to survive if they do not have easy access to firearms for the duration of the crisis.
- Research shows that people are more likely to die by suicide if they have easy access to firearms.³
- Eighty-five percent of suicide attempts involving firearms are fatal.⁴
- Nine out of 10 people who survive a suicide attempt do not die by suicide at a later date.⁵
- Though this law is unlikely to prevent all suicides, ERPOs provide families an opportunity to reduce the risk of suicide for a family member who is in crisis and provide safer circumstances in which to seek treatment or engage other resources to address the underlying causes of the dangerous behaviors. In Connecticut, nearly one third of respondents received critical mental health and substance abuse treatment as a result of the intervention.⁶

- A Duke University study of Connecticut's risk-warrant law found that in the majority of risk-warrants served, suicidality or self-injury was listed as a concern. That same study also estimated that for every 10 to 20 risk-warrants served, one suicide was prevented.^{7,8}

This law builds in protections for respondents.

- Under this law, law enforcement, district attorneys, health care providers, and family or household members may petition for an ERPO. For an order to be issued, ERPO petitioners will be required to testify and present evidence in a court of law. Respondents will also have an opportunity to present evidence to show that he or she is not a danger to him or herself or others and a ERPO is not necessary.
- Filing a petition knowing the information in it to be false or with the intention to harass the respondent is a prosecutable offense.
- The respondent will have an opportunity to petition for termination of an order.
- The respondent may petition the court upon expiration of the order to have their firearms returned.

1 Swanson, Jeffrey W. and Norko, Michael and Lin, Hsiu-Ju and Alanis-Hirsch, Kelly and Frisman, Linda and Baranoski, Madelon and Easter, Michele and Gilbert, Allison and Swartz, Marvin and Bonnie, Richard J., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides? (August 24, 2016). *Law and Contemporary Problems*, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=2828847>

2 <http://efsgv.org/wp-content/uploads/2016/09/FINAL-ERPO-complete-091916-1.pdf>

3 Anglemeyer A, Horvath T, Rutherford G. (2014). The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis. *Ann Intern Med*. 160(2):101-110.

4 Miller, M., Azrael, D., & Barber, C. (2012). Suicide mortality in the United States: the importance of attending to method in understanding population-level disparities in the burden of suicide. *Annual review of public health*, 33, 393-408.

5 Owens, D., Horrocks, J., & House, A. (2002). Fatal and non-fatal repetition of self-harm. Systematic review. *British Journal of Psychiatry*, 181(3), 193-199.

6 Swanson, Jeffrey W. and Norko, Michael and Lin, Hsiu-Ju and Alanis-Hirsch, Kelly and Frisman, Linda and Baranoski, Madelon and Easter, Michele and Gilbert, Allison and Swartz, Marvin and Bonnie, Richard J., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides? (August 24, 2016). *Law and Contemporary Problems*, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=2828847>

7 Swanson, Jeffrey W. and Norko, Michael and Lin, Hsiu-Ju and Alanis-Hirsch, Kelly and Frisman, Linda and Baranoski, Madelon and Easter, Michele and Gilbert, Allison and Swartz, Marvin and Bonnie, Richard J., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides? (August 24, 2016). *Law and Contemporary Problems*, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=2828847>

8 <http://efsgv.org/wp-content/uploads/2016/09/FINAL-ERPO-complete-091916-1.pdf>

9 National Center for Injury Prevention and Control, CDC. United States Firearm Deaths and Rates per 100,000. *Fatal Injury Reports 1999-2015, for National, Regional, and States (RESTRICTED)*. Retrieved April 19, 2017, from http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html.

10 Miller, M., Azrael, D., & Barber, C. (2012). Suicide mortality in the United States: the importance of attending to method in understanding population-level disparities in the burden of suicide. *Annual review of public health*, 33, 393-408.

11 Owens, D., Horrocks, J., & House, A. (2002). Fatal and non-fatal repetition of self-harm. Systematic review. *British Journal of Psychiatry*, 181(3), 193-199.

ABOUT THE EDUCATIONAL FUND TO STOP GUN VIOLENCE

The Educational Fund to Stop Gun Violence (Ed Fund) was founded in 1978 as a 501(c)(3) organization that makes communities safer by translating research into policy to reduce gun violence. The Ed Fund achieves this by engaging in policy development, advocacy, community and stakeholder engagement, and technical assistance.

ABOUT THE LAW CENTER TO PREVENT GUN VIOLENCE & AMERICANS FOR RESPONSIBLE SOLUTIONS

Led by former Congresswoman Gabrielle Giffords and Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Americans for Responsible Solutions and the Law Center to Prevent Gun Violence are committed to advancing commonsense change that makes communities safer from gun violence. Operating out of offices in Washington DC, San Francisco, and New York, our staff partners with lawmakers and advocates at the federal, state, and local levels to craft and enact the smart gun laws that save lives. We provide expertise in critical firearms litigation, lead grassroots coalitions, and educate the public on the proven solutions to America's gun violence epidemic.