



# EXTREME RISK LAWS



A **Toolkit** for Developing  
Life-Saving Policy in Your State





# WHO WE ARE

This toolkit is presented jointly by the **Educational Fund to Stop Gun Violence**, the **Alliance for Gun Responsibility**, and **Giffords**. Our three organizations work with one another, each contributing unique expertise and resources, to advance extreme risk laws state by state. We envision a future where extreme risk laws are enacted, implemented, and saving lives nationwide.

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TO STOP GUN VIOLENCE

**ALLIANCE**  
FOR GUN RESPONSIBILITY

**GIFFORDS**  
COURAGE TO FIGHT GUN VIOLENCE



# EDUCATIONAL FUND TO STOP GUN VIOLENCE

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Founded in 1978, the **Educational Fund to Stop Gun Violence (Ed Fund)** is a nonprofit organization that makes communities safer by translating research into policy to prevent gun violence and engaging impacted communities in the process. The Ed Fund is the gun violence prevention movement's premier research intermediary and founder of the **Consortium for Risk-Based Firearm Policy (Consortium)**, a group of researchers and practitioners who collaborate to develop innovative recommendations for policymakers. With the Consortium, the Ed Fund introduced the groundbreaking Gun Violence Restraining Order, commonly known as the Extreme Risk Protection Order, that is now gaining momentum across the country. The Ed Fund provides expert consultation in the development of extreme risk laws and is a leader in stakeholder engagement and training for successful extreme risk law implementation. The Ed Fund's affiliate organization, the **Coalition to Stop Gun Violence (Coalition)**, has advocated for stronger gun laws since 1974. The Coalition's early and ongoing advocacy for extreme risk laws paved the way for their enactment in states nationwide.

# ALLIANCE FOR GUN RESPONSIBILITY

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[gunresponsibility.org](http://gunresponsibility.org)



@AllianceforGunResponsibility



@WaGunResponsib



/allianceforgunresponsibility

The **Alliance for Gun Responsibility (Alliance)**, founded in 2013, believes that gun violence is preventable – if we work together to prevent it. The Alliance works to end the gun violence crisis in our community and to promote a culture of gun ownership that balances rights with responsibilities. Through collaboration with experts, civic leaders, and citizens, the Alliance works to find evidenced-based solutions to the crisis of gun violence in our community. The Alliance pioneered the approach of passing an extreme risk law via ballot initiative when political deadlock failed to align with the will of the people. The Alliance conducted critical research on messaging and public opinion on Washington's Extreme Risk Protection Order and related political strategy that will be key for success in future efforts, whether in state legislatures or on the ballot.

# GIFFORDS

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[giffords.org](http://giffords.org)



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@GiffordsCourage



/giffordscourage



[resistthegunlobby.org](http://resistthegunlobby.org)

**Giffords** is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords and her husband, Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Giffords inspires the courage of people from all walks of life to make America safer. Giffords is making change happen by building relationships and effecting change at the state and local levels. Giffords defends lifesaving legislation, passes strong gun laws, and is an essential driver of the advancement of extreme risk laws in legislative bodies across the country.



# ACKNOWLEDGEMENTS

Educational Fund to Stop Gun Violence (Ed Fund) Executive Director Josh Horwitz, Alliance for Gun Responsibility (Alliance) CEO Renee Hopkins, and Giffords Executive Director Peter Ambler and Giffords Law Center Executive Director Robyn Thomas would like to acknowledge Vicka Chaplin (Ed Fund), Stephanie Ervin (Alliance), and Nico Bocour (Giffords) for writing and assembling this toolkit, along with the following staff members of each organization for contributing their knowledge, expertise, and time: Adelyn Allchin, Yasmín Fletcher, Christian Heyne, Dakota Jablon, Andrew Patrick, and Kelly Roskam (Ed Fund); Sean Kent (Alliance); and Allison Anderman (Giffords).

The Ed Fund, Alliance, and Giffords would also like to thank our colleagues and fellow advocates in the gun violence prevention movement for their tireless dedication to passing and enacting extreme risk laws. From the quiet, behind-the-scenes work that gets state-level legislation passed to culture-changing efforts to shift the national conversation towards evidence-based gun policies, this is a fight we are proud to be in, together.





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# 1.



## LETTER FROM LT. HSUEH, SANTA BARBARA COUNTY SHERIFF'S OFFICE



### SANTA BARBARA COUNTY SHERIFF'S OFFICE APRIL 2018

In May of 2014, law enforcement officers from my county responded to one of the most horrific incidents our department can remember. A young man, who had a history of making violent threats amidst increasingly dangerous behaviors, went on a shooting spree in Isla Vista, California near the University of California, Santa Barbara. In the end, six people were killed and another fourteen were injured. The community and the country grieved with the families that lost their loved ones in a senseless and preventable tragedy. Unfortunately, this was not the first incident of significant gun violence in our county. In March of 2008, a 36-year old man experiencing paranoid delusions shot and killed his father and three other people at a salvage yard. In January of 2006, a 44-year old woman shot and killed seven people at the Goleta Post Office after having displayed concerning behaviors for a number of years prior to the shootings.

Following the Isla Vista shooting, the California legislature passed an extreme risk law called the Gun Violence Restraining Order (GVRO). This law allows law enforcement and family members to intervene in a moment of crisis to reduce an at-risk individual's access to guns. Far too often, law enforcement officers from our department interact with community members who exhibit dangerous behaviors that may put themselves or others at risk of harm. Before GVROs were made available in California, we were limited in our capacity to help. Now, if we see an escalation of dangerous behaviors, including risk of suicide, we can file for a GVRO. It is one more tool to keep communities safer from needless gun violence.

Extreme risk laws allow law enforcement, impacted individuals, their families, and the court to have a conversation about the risk of violence and access to guns. These orders have helped prevent tragedies and save lives. Families should not be faced with feeling powerless and neither should law enforcement.

I began my career in law enforcement more than 32 years ago because I wanted to help my community and keep it safe. Extreme risk laws give law enforcement a needed tool to address dangerous behaviors that put an individual or others at risk of harm.

**WE CAN, WORKING WITH COMMUNITIES AND FAMILIES, SAVE LIVES FROM UNNECESSARY GUN VIOLENCE.**

Sincerely,

Lieutenant Eddie Hsueh  
Santa Barbara County Sheriff's Office

LETTER FROM LT. HSUEH, SANTA BARBARA  
COUNTY SHERIFF'S OFFICE

Extreme Risk Law Toolkit

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# 2.



## 5 REASONS WHY EVERY STATE NEEDS AN EXTREME RISK LAW

In most states there is no legal process for removing firearms from individuals who are temporarily at a higher risk of violence towards self or others but who are not prohibited from purchasing and possessing firearms because of a criminal conviction or other existing prohibitor. Waiting for an individual to act in a manner that would prompt a firearm prohibition sometimes means that the opportunity for intervention comes too late to prevent a tragedy. Extreme risk laws allow the people most likely to notice that an individual is at an elevated risk of violence --family or household members, and law enforcement-- to intervene before a tragedy occurs. By temporarily removing guns from a person in crisis, these laws also create a safer opportunity for the individual to access resources.

### EXTREME RISK LAWS:

**Prevent Suicide:** Research on Connecticut's extreme risk law found that the populations served are at an elevated risk of dying by suicide. Extreme risk laws allow for the temporary removal of the most lethal means of suicide from the situation, saving lives of those at risk.

**Prevent Mass Shootings and Other Homicide:** People who may be at high risk of dangerous behaviors may have access to firearms. Extreme risk orders allow for family and concerned law enforcement to take action and prevent tragedy. Through the same mechanism, worried parents, guardians, and siblings may take action through extreme risk laws to prevent school shootings.

**Prevent Intimate Partner Shootings:** Not all domestic violence restraining orders (DVROs) prohibit firearm purchase and possession or require removal of firearms already in the possession of an abuser. Additionally, persons in dating or sexual relationships who do not cohabit and do not share a child in common may not be eligible for a DVRO. Extreme risk orders may supplement protections provided by DVROs or may be used by individuals who are not eligible to petition for a DVRO. Persons in abusive relationships should seek assistance from an advocate to determine the best course of action.

**Provide a Safer Pathway to Treatment and Resources:** By reducing firearms access, an extreme risk order can create a safer opportunity for the subject of an order to seek treatment and additional resources to address the root causes of their crisis. In Connecticut, nearly one-third of respondents received critical mental health and substance abuse treatment as a result of the extreme risk law intervention.

**Empower Families and Law Enforcement:** Families and members of law enforcement have seen when an extreme risk order could have prevented tragedy and are asking for extreme risk laws so that they may intervene to protect the lives of loved ones and those in their community.



### FIVE REASONS WHY EVERY STATE NEEDS AN EXTREME RISK LAW

Extreme Risk Law Toolkit



# 3.

## INTRODUCTION TO EXTREME RISK LAWS



**Extreme Risk Laws** empower families and law enforcement to prevent gun tragedies by temporarily reducing access to guns by individuals at an elevated risk of endangering themselves or others. Extreme risk laws are a type of state-level policy that are quickly gaining traction across the United States: As of July 2018, thirteen states have already made extreme risk policies into law, and lawmakers in 30 states have introduced or are planning to introduce extreme risk legislation.<sup>1</sup> Extreme risk policies are called by a variety of names, such as Extreme Risk Protection Orders, Gun Violence Restraining Orders, Lethal Violence Protection Orders, and Risk Warrants; see *Messaging on Extreme Risk Laws*, for research on policy naming (p. 9). Whichever name a state has chosen for their own bill or law, these policies have the power to prevent crises from becoming deadly tragedies.

While each state's extreme risk policies will likely differ slightly so as to reflect state needs, systems, and resources, the following frequently asked questions are broadly applicable; please refer to state policy as needed.

### WHAT ARE EXTREME RISK LAWS?

Extreme risk laws are state laws that provide families and law enforcement officers with a formal legal process to temporarily reduce an individual's access to firearms if they pose a danger to themselves or others. This legal process may look somewhat different across states, but is most often a civil court order, prompted by petition by a family member or law enforcement officer and issued by a judge upon consideration of the evidence, that temporarily prohibits a person in crisis from possessing or purchasing firearms. Extreme risk laws in some states also prohibit possession of ammunition.

In many shootings, including interpersonal violence and suicides, family and household members are the first to notice changes in behavior that indicate that a loved one may become a danger to themselves or others. Unfortunately, there are few tools for family members to intervene during these periods of crisis. Extreme risk laws provide a legal tool for helping a loved one who is displaying signs of endangering themselves or others by temporarily removing guns they already possess and prohibiting them from purchasing new ones for the duration of the order. In addition to potentially preventing an act of gun violence by removing a gun from the situation, extreme risk laws also create safer circumstances for the at-risk individual to seek treatment or engage other resources to address the underlying causes of the dangerous behaviors. These laws will save lives while ensuring critical legal protections for respondents, just as it has in states that have already taken this responsible step.

<sup>1</sup> Brian Kavanaugh and American State Legislators for Gun Violence Prevention. 2 Mar 2018. State Lawmakers Announce 30-State Push for Commonsense Laws to Prevent Individuals Likely to Harm Themselves or Others from Accessing Guns. Press release. Available at: <https://www.nysenate.gov/newsroom/press-releases/brian-kavanaugh/state-lawmakers-announce-30-state-push-commonsense-laws>.

## HOW DO EXTREME RISK LAWS WORK?

Most extreme risk laws are based on the long-standing infrastructure and procedures of domestic violence protection orders (in place in all 50 states) and involve both a court hearing and clearly defined due process protections.<sup>2</sup> There are usually two types of extreme risk orders: 1) an ex parte protection order that is available in emergency circumstances. An ex parte order may be issued by a court without notice to the respondent or a hearing but the order may only last for a short time period, typically no more than 30 days; and 2) a year-long protection order if there is sufficient evidence that the respondent poses a significant danger of injury to themselves or others by having access to a firearm. A year-long order may only be issued after a noticed hearing at which the respondent has the opportunity to appear and contest the evidence. Neither type of order involves a criminal complaint.

Though the specific processes vary by state, most extreme risk orders are initiated when a qualifying petitioner (generally a family member, household member, or law enforcement) petitions the civil court in their jurisdiction for an extreme risk order, alleging in writing that the respondent poses a threat of personal injury to self or others by owning, possessing, or purchasing a firearm. Based on the evidence<sup>3</sup> the petitioner presents through the written application and at a hearing before a judge, an extreme risk order may be issued.

### RESOURCES:

Extreme Risk Protection Order Fact Sheet (p. 24)

Extreme Risk Protection Order Frequently Asked Questions (p. 24)

If an extreme risk order is issued, the respondent must relinquish any firearms (and often ammunition) they own or possess for the duration of the order and will be temporarily prohibited from purchasing or otherwise acquiring any other firearm. Typically, relinquished firearms will be stored by law enforcement, a federally licensed firearms dealer, or some combination thereof.

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<sup>2</sup> Early extreme risk laws (those in Connecticut and Indiana) are firearm removal laws, which operate differently than as described in this section. Please refer to state statutes for specific policies.

<sup>3</sup> The petitioner must provide credible evidence that the respondent poses the risk alleged in the petition. This evidence may include recent threats or acts of violence by the respondent toward themselves or others, recent violations of domestic violence protection orders, or evidence of a pattern of violent threats or acts.

Extreme risk orders are time limited and may be terminated, renewed, or allowed to expire. Respondents typically have at least one opportunity to request a hearing for early termination of an order. At the hearing, the respondent has the burden of proving that they no longer pose the risk that justified the initial order. A petitioner may also request a renewal of an order. At a renewal hearing, the petitioner bears the same burden of proof as in the original hearing. When the order is terminated or allowed to expire and the respondent is not otherwise prohibited from purchasing or possessing a gun (as determined through a background check), the party temporarily holding the respondent's firearms may return them to the respondent.

For an example of how many Extreme Risk Protection Orders (a common type of extreme risk law) work, see the infographic on the next page.

### INTRODUCTION TO EXTREME RISK LAWS

Extreme Risk Law Toolkit

Figure 1. How Extreme Risk Protection Orders Work



# EXTREME RISK LAWS: How They Work

Gaps in current law allow guns to stay in dangerous hands despite clear signs of heightened risk. This is especially true when someone is suicidal. Loved ones are often first to notice signs of dangerous behavior. Extreme Risk Protection Orders give them an opportunity to save lives. The Extreme Risk Protection Order process empowers families and law enforcement to prevent a crisis from becoming a deadly tragedy.

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**Help Available** An Extreme Risk Protection Order provides a safer period during which the respondent may obtain necessary treatment or other services to help address the underlying causes of the dangerous behavior. In some states, judges may recommend such treatment.

**Due Process** Extreme Risk Protection Orders have built-in due process protections, including a full hearing in a short time period wherein petitioners must meet a standard of proof, as evaluated by a judge, and with an opportunity for respondents to present evidence.

## FILE

Concerned family, household members, and law enforcement officers can file a petition for an order, initiating the court process.

## A. HEARING: EX PARTE

In emergencies, a short term ex parte order may be issued if, after weighing the evidence, a judge finds that the respondent poses imminent risk of harm to self or others. A full hearing must occur shortly thereafter (within 30 days) to determine whether the order will be extended for a longer period, typically one year.

## B. HEARING: YEAR-LONG

A year-long order may be issued only after a noticed hearing where the respondent may appear in court and contest the evidence. A judge then weighs the evidence and -- if it meets the standards set by the state -- issues the year-long order.

## EMPOWERED PROTECTION

The respondent is temporarily prohibited from the purchase and possession of new firearms and is required to temporarily relinquish any firearms already possessed for the duration of the order.

## TERMINATION - RENEWAL - EXPIRATION

Extreme Risk Protection Orders are time limited and may be terminated, renewed, or allowed to expire:

- The respondent may seek early termination of the order if they believe they are no longer a danger.
- The petitioner may seek renewal of the order if the risk persists, requiring a hearing before a judge with the same burden of proof as in the original hearing.
- If no action is taken, the order expires.

## RETURN OF FIREARMS

When the order is terminated or allowed to expire and the respondent is not otherwise prohibited from purchasing or possessing a gun, firearms may be returned to the owner.

### INTRODUCTION TO EXTREME RISK LAWS

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## HOW ARE EXTREME RISK LAWS DIFFERENT FROM DOMESTIC VIOLENCE RESTRAINING ORDERS?

While extreme risk laws are structured similarly to domestic violence restraining orders, they serve different purposes. In some circumstances they may complement one another, while at other times, one order may be more appropriate than the other.

Domestic Violence Restraining Orders (DVROs, also known as protection orders and no contact orders, among others) give survivors of domestic violence a mechanism to protect themselves or their dependents from further abuse. DVROs can offer multiple types of protections, including prohibiting the respondent from contacting the abuse survivor, requiring the respondent to move out of a shared residence, requiring the respondent to obtain counseling, or prohibiting the respondent from possessing firearms, among other provisions.

However, while some states categorically prohibit a person subject to a DVRO from purchasing or possessing firearms, some states do not. Among states that do prohibit firearms possession, some do not have a process that requires a prohibited respondent to relinquish their firearms. Some states give judges discretion whether to include a firearms prohibition in a DVRO. Additionally, persons in dating or sexual relationships who do not cohabit and do not share a child in common may not be eligible for a DVRO.

Extreme risk orders only offer firearms protections by temporarily removing firearms from individuals at risk of harming themselves or others. Extreme risk orders may supplement protections provided by DVROs or may be used by individuals who are not eligible to petition for a DVRO.

Persons in abusive relationships should seek assistance from an advocate to determine the best course of action.



### RESOURCES:

Extreme Risk Protection Orders v. Domestic Violence Restraining Orders: How are they Different? (p. 25)

### ONLINE RESOURCES:

[Extreme Risk Laws](#). Webinar hosted by the Battered Women's Justice Project, intended to inform individuals who work with survivors of intimate partner violence about Extreme Risk Protection Orders, and provide an opportunity to explore the implications of these orders for survivors of intimate partner violence. Online: [http://www.bwjp.org/resource-center/resource-results/extreme\\_risk\\_laws.html](http://www.bwjp.org/resource-center/resource-results/extreme_risk_laws.html).

## INTRODUCTION TO EXTREME RISK LAWS

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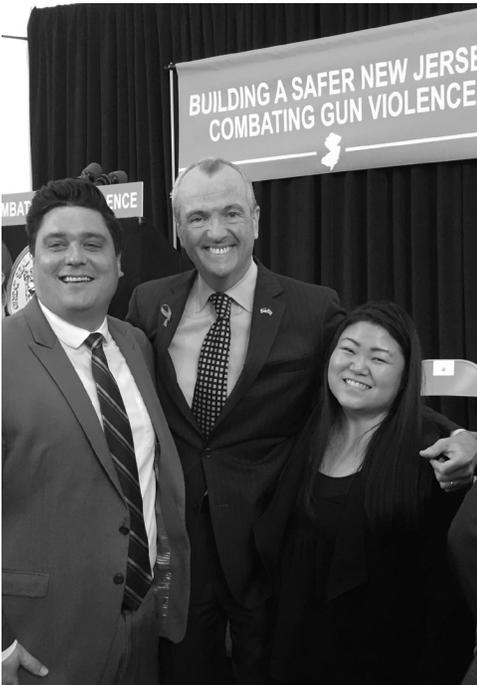
## WHAT IS THE HISTORY OF EXTREME RISK LAWS?

The first extreme risk law was Connecticut's risk warrant, passed in 1999 following a mass shooting at the state's lottery headquarters in which a disgruntled employee killed four executives before turning the gun on himself. Because of Connecticut lawmakers' action to pass the risk warrant in response to the shooting, the policy's implementation and outcomes have been able to be studied and data is now available for states to better understand how extreme risk laws can save lives. Indiana passed another early extreme risk law in 2005. Both states' laws are long standing and limited to use by law enforcement.

Extreme risk laws were further developed from warrants to the protection orders that are common today by the Consortium for Risk-Based Firearm Policy (Consortium) in 2013. Convened by the Educational Fund to Stop Gun Violence, the Consortium is comprised of a diverse group of experts -- including mental health and gun violence prevention researchers, practitioners, advocates, and legal professionals -- who have made a commitment to thoroughly examine leading research and advance evidence-based gun violence prevention policy recommendations. The Consortium's recommendations for the development of extreme risk policies are detailed their report entitled "Guns, Public Health and Mental Illness: An Evidence-Based Approach for State Policy."<sup>4,5</sup>

After the deadly shooting on the University of California, Santa Barbara campus in 2014, California became the first state to enact the first Consortium-recommended extreme risk law that included both law enforcement and family or household members as petitioners, known as the Gun Violence Restraining Order. In November 2016, Washington voters overwhelmingly passed the Extreme Risk Protection Order through a ballot initiative and in August 2017, Oregon enacted an Extreme Risk Protection Order which went into effect January 1, 2018.

Following the February 2018 school shooting in Parkland, Florida, interest in extreme risk laws has increased dramatically. Florida took swift action and passed an extreme risk law on March 9th, while Vermont and Maryland followed suit in April. Rhode Island, New Jersey, and Delaware gained their extreme risk laws in June, and both Massachusetts and Illinois enacted extreme risk laws in July. Legislators in 30 states have introduced or are planning to introduce extreme risk policies.<sup>6,7</sup>



<sup>4</sup> Consortium for Risk-Based Firearm Policy. Guns, Public Health, and Mental Illness: An Evidence-Based Approach for State Policy. December 2013. <http://efsgv.wpengine.com/wp-content/uploads/2014/10/Final-State-Report>.

<sup>5</sup> The extreme risk policy is described as the Gun Violence Restraining Order (GVRO) in the Consortium for Risk-Based Firearm Policy report.

<sup>6</sup> Brian Kavanaugh and American State Legislators for Gun Violence Prevention. 2 Mar 2018. State Lawmakers Announce 30-State Push for Commonsense Laws to Prevent Individuals Likely to Harm Themselves or Others from Accessing Guns. Press release. Available at: <https://www.nysenate.gov/newsroom/press-releases/brian-kavanaugh/state-lawmakers-announce-30-state-push-commonsense-laws>.

<sup>7</sup> For an up-to-date listing of extreme risk laws, see <http://efsgv.org/extreme-risk-protection-orders/>

### INTRODUCTION TO EXTREME RISK LAWS

Extreme Risk Law Toolkit



# 4.

## MESSAGING ON EXTREME RISK LAWS



### MESSAGING GUIDANCE FOR EXTREME RISK LAWS

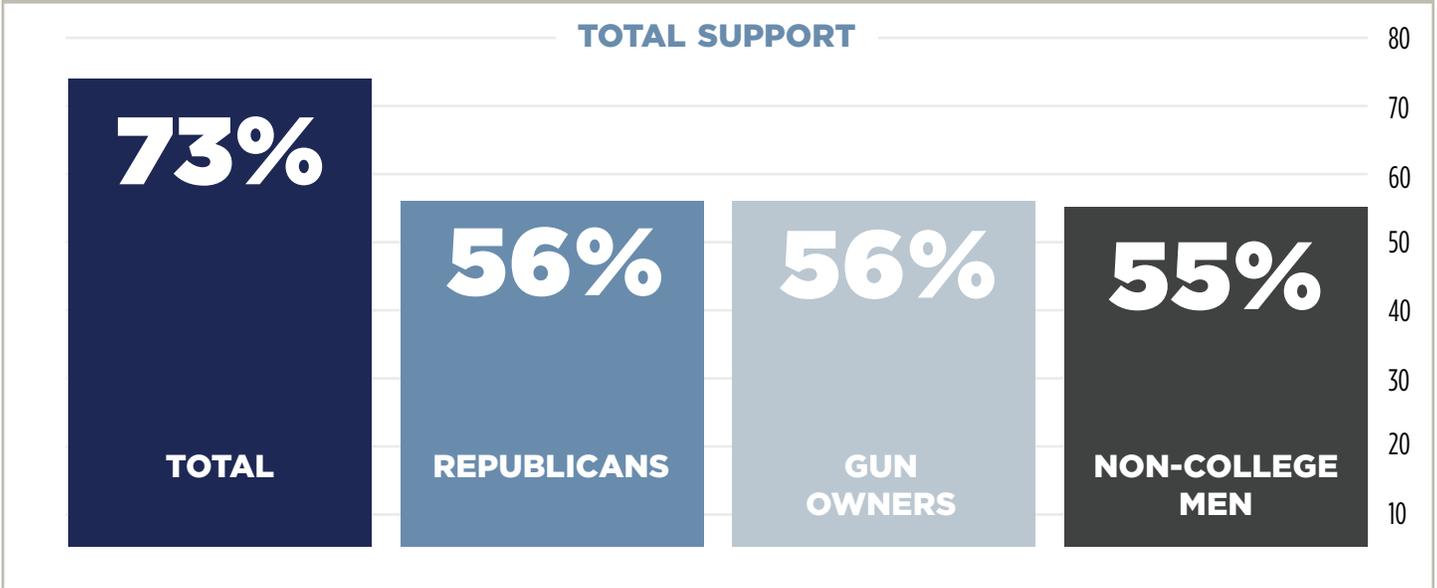
Appropriate, accurate, and effective messaging is critical for building support and momentum to pass extreme risk laws, as well as to provide education for key stakeholders. The organizational partners behind this toolkit have honed the following messaging guidance through years of development, research, and application. After initial development of extreme risk law messaging by the Ed Fund, the Alliance conducted extensive voter polling research in 2015 and 2016 ahead of the November 2016 election. That November, this messaging passed its ultimate test when Washington state voters passed Initiative 1491 to establish Extreme Risk Protection Orders -- with 69% of the voters in favor. Subsequently, Giffords and the Ed Fund/Coalition have successfully used this messaging to pass and enact extreme risk policies nationwide.

### EXTREME RISK LAWS ARE POPULAR - GOOD FOR BALLOTS AND FOR LEGISLATIVE AGENDAS:

The Initiative 1491 campaign demonstrates that extreme risk laws are very popular and will likely pass even in the most conservative states. In November 2016, Washington state voters passed Initiative 1491 to establish Extreme Risk Protection Orders -- with 69% of the voters in favor. Not only did the measure pass by a lopsided 38-point margin, but it carried every legislative district in the state, even the most gun-friendly, rural districts in the eastern part of Washington. Over the course of the campaign, the Alliance tested many different versions of protection orders and every time, this issue drew a convincing margin. More often than not, the Extreme Risk Protection Order policy, as well as the initiative language itself, won majorities in testing among what were previously considered the toughest groups in the electorate, as illustrated in Figure 3.

Provisions can further amplify support for extreme risk laws. The Alliance spent time researching different provisions in the law and found that everything tested using voter polling increased support for the measure. Examples of popular provisions include allowing roommates and non-married partners to seek extreme risk orders; requiring judges issuing these protection orders to consider whether a respondent may benefit from additional treatment or resources and giving judges the power to order such services if necessary; and increasing penalties for violating the protection order, such as a permanent prohibition for people who are convicted of violating the orders.

Figure 3. Support for Washington's Initiative 1491 Among 600 Likely Washington Voters, May 2016. Polling results based on the following language: "Support for Initiative Measure Number 1491 concerns court-issued extreme risk protection orders temporarily preventing access to firearms. This measure would allow police, family, or household members to obtain court orders temporarily preventing firearms access by persons exhibiting mental illness, violent or other behavior indicating they may harm themselves or others."



**The popularity of extreme risk laws is proving to be consistent across a broad spectrum of states.**

With extreme risk laws now passed in states like Florida and Vermont, which traditionally do not have strong gun laws, and endorsement from politicians on both sides of the aisle, the popularity of extreme risk laws is proving to be consistent across a broad spectrum of states.

**THE NAME MATTERS:**

There are several names for extreme risk laws. While each state should choose what works for them, some names may be more or less popular than others among citizens and stakeholder groups.

The Initiative 1491 campaign in Washington invested significant time and resources into what to name their extreme risk law initiative, with the goal of a name that described the purpose of the law in common language and invoked urgency to reflect the situations wherein the law would be used. Public opinion polling among likely 2016 Washington voters in January 2016 found that most names for the measure rated between more favorable and indifference (Figure 4). Those polled were asked how positively different names made them feel about the policy on a scale of zero to ten, with 10 being most favorable, zero least favorable, and five as neutral. While “emergency risk protection order,” “family protection order,” and “proven threat order” all gained traction, the Alliance selected “extreme risk protection order” because it better conveyed the substance of the initiative and, just as important, demonstrated its sense of urgency among voters.

Figure 4. Support for Possible Names in Washington's Initiative 1491 Among 800 Likely Washington Voters, January 2016, where a rating of 10 is most favorable, 0 is least favorable, and 5 is neutral

	Mean	% 10	% 8-10	% 6-10	% 0-5	DK/ Ref
[400 Respondents] 50 (SPLIT D) Emergency protection order	7	30	48	59	40	1
[400 Respondents] 52 (SPLIT D) Family protection order	7	30	46	60	39	1
[400 Respondents] 56 (SPLIT D) Proven threat order	7	24	42	56	41	2
[400 Respondents] 49 (SPLIT C) Extreme risk protection order	6	23	37	53	45	2
[400 Respondents] 53 (SPLIT C) Demonstrated threat order	6	22	35	48	49	3
[400 Respondents] 51 (SPLIT C) Violence prevention order	6	20	37	52	46	2
[400 Respondents] 55 (SPLIT C) Temporary protection order	6	18	29	49	48	2
[400 Respondents] 54 (SPLIT D) Red flag order (ref:ORDER)	5	17	24	34	59	7

### MESSAGING SHOULD FOCUS ON PREVENTION:

Key message frame: *Extreme risk laws empower 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. By preventing gun tragedies, extreme risk laws save lives.*

Extreme risk laws are about preventing tragedies before they happen. Family members are often the first to know when a loved one is in crisis, including in the many incidents of interpersonal violence and suicide that take place across the country every day. In Washington focus groups, participants repeatedly recalled local shootings and related quotes from relatives and friends of the shooter who said they “knew something was wrong,” but could not do anything about it. Extreme risk laws speak powerfully to that collective narrative of prevention by creating a mechanism for family and household members and law enforcement to intervene to temporarily limit access to guns by individuals who pose a heightened risk of harm to themselves or others.

Extreme risk laws are an evidence-based approach to gun violence prevention -- and particularly gun suicide prevention. Research shows that easy access to firearms increases the risk of suicide,<sup>8</sup> and eighty-five percent of suicide attempts involving firearms are fatal.<sup>9</sup> Furthermore, nine out of ten people who survive a suicide attempt do not die by suicide at a later date.<sup>10</sup> This means that individuals 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. Extreme risk laws provide families an opportunity to reduce the risk of suicide for a family member who is in crisis. Additionally, by temporarily removing firearms, extreme risk orders provide safer circumstances during which the individual may seek treatment or engage other resources to address the underlying causes of the dangerous behaviors. A Duke University study of Connecticut's extreme risk law found that suicidality or self-injury was listed as a concern in the majority of cases, and nearly one-third of respondents received critical mental health and substance abuse treatment as a result of the extreme risk law intervention. The researchers estimated that for every 10 to 20 risk warrants served, one suicide was prevented.<sup>11,12</sup>

Extreme risk laws may also prevent deadly shootings, such as the University of California, Santa Barbara campus shooting in 2014. 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 interviewed him but had no legal authority to intervene. Extreme risk laws provide a legal process to prevent tragedies like this from occurring. Despite their relatively modest role in the overall number of gun deaths and injuries, mass shootings are what define gun violence for many Americans. In the coverage following mass shootings, the press inevitably interviews friends or family members of the shooter who "knew" something was wrong. In the public opinion research conducted in Washington by the Alliance, the most powerful point of persuasion for extreme risk laws was about demonstrated signs of crisis by mass shooters before the shootings. According to the US Secret Service's National Threat Assessment Center, over three-quarters of mass attackers in 2017 (those who harmed three or more people in public spaces) made concerning communications and/or elicited concern from others prior to carrying out their attacks.<sup>13</sup> This is credible among citizens because it reflects the collective, lived experience with this kind of mass violence.

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<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> Swanson, J. W., Norko, M. A., Lin, H. J., Alanis-Hirsch, K., Frisman, L. K., Baranoski, M. V., et al. (2017). Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems.* 80(2), 101-128.

<sup>12</sup> Educational Fund to Stop Gun Violence. (Sept 2016). Extreme Risk Protection Orders: An Opportunity to Save Lives in Washington. Available: <http://efsgv.org/wp-content/uploads/2016/09/FINAL-ERPO-complete-091916-1.pdf>

<sup>13</sup> United States Secret Service, National Threat Assessment Center. March 2018. Mass Attacks in Public Spaces - 2017. Available at: [https://www.secretservice.gov/data/press/releases/2018/18-MAR/USSS\\_NTAC-Mass\\_Attacks\\_in\\_Public\\_Spaces-2017.pdf](https://www.secretservice.gov/data/press/releases/2018/18-MAR/USSS_NTAC-Mass_Attacks_in_Public_Spaces-2017.pdf).

## SUPPLEMENT MAIN MESSAGE WITH REASSURANCE:

Extreme risk laws have built-in protections for respondents. Stressing the judicial nature of extreme risk proceedings may serve as reassurance to those who express concerns about the laws. Protections include: limits to who may petition; petitioners are required to testify and present evidence in a court of law; knowingly filing a false petition or with the intention to harass the respondent is a crime; respondents have the opportunity to present evidence in a court of law; respondents have the opportunity to petition for termination of an order; and the orders are temporary -- if there are no other prohibitions, firearms may be returned to the respondent upon expiration of the order.

### RESOURCES:

Washington Initiative 1491 Campaign Persuasive One-Pager (p. 25)  
Washington Initiative 1491 Campaign Sample Mail Pieces (p. 26)

### ONLINE RESOURCES:

Washington Initiative 1491 Campaign Ads:  
"Racer" Ad: <https://www.youtube.com/watch?v=CaU8lqhzvo>  
"Marilyn" Ad: <https://youtu.be/pK6o7PTVqA>  
"Why ERPO" Ad: <https://youtu.be/siXTu8-1XY8>

### RESOURCES:

Mental Illness and Gun Violence Myth-Buster Fact Sheet (p. 27)  
Guns, Public Health and Mental Illness: Summary of the Best Available Research Evidence (p. 27)  
Infographic: How to Talk about Mental Health without the Stigma (p. 28)  
Guide to Avoiding Stigmatizing Language (p. 28)

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**Research shows that the overwhelming majority of people with mental illness are never violent towards others.**

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## MESSAGING ON EXTREME RISK LAWS: WHAT TO AVOID

Just as good messaging is critical for building support and momentum to pass and provide education on extreme risk laws, it is equally important to avoid inaccurate or stigmatizing messaging. There is often an assumption that mental illness is a cause of violence. However, research shows that the overwhelming majority of people with mental illness are never violent towards others. Violence has many interacting factors and mental illness alone is very rarely the cause.<sup>14,15</sup>

It is important that extreme risk laws respect individuals with mental illness and are based on signs of dangerous behaviors, not a mental health diagnosis. People with mental illness are in fact more likely to be victims than perpetrators of violence.<sup>16</sup> Mental illnesses, such as depression, do increase the risk of suicide.<sup>17</sup> However, not all individuals with a mental health diagnosis will become suicidal. Therefore, it is still important to base extreme risk orders on dangerous behaviors, and not a diagnosis. Messaging should avoid relying on stigma and should focus on the facts.

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- <sup>14</sup> Elbogen EB, Johnson SC. The intricate link between violence and mental disorder: results from the National Epidemiologic Survey on Alcohol and related conditions. *Arch Gen Psychiatry*. 2009;66(2):152-61.
- <sup>15</sup> Swanson JW, Roberston AG, Frisman LK, Norko MA, Lin HJ, Swartz MS, Cook PJ. (2013). Preventing Gun Violence Involving People with Serious Mental Illness. *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, 33-51.
- <sup>16</sup> Choe JY, Teplin LA, Abram KM. Perpetration of violence, violent victimization, and severe mental illness: balancing public health concerns. *Psychiatr. Serv*. 2008;59(2):153-64.
- <sup>17</sup> Bostwick JM, Pankratz VS (2000). Affective Disorders and Suicide Risk: A Reexamination. *American Journal of Psychiatry*, 157(12), 1925-1932.

## MESSAGING ON EXTREME RISK LAWS

Extreme Risk Law Toolkit

# 5.



## POLICY PROVISIONS GUIDE



### Resources:

Extreme Risk Law Key Provisions (p. 29)

Extreme Risk Law Comparison Chart (p. 29)

With the rich diversity of needs, resources, systems, and existing laws found across the 50 states, extreme risk laws will be customized to fit each state's existing systems. Rather than present a model policy, we present a set of key provisions for extreme risk policies and a comparison of policies as they currently exist in state law.

### KEY PROVISIONS

Recommended key provisions for extreme risk laws are outlined below (detailed in depth in *Extreme Risk Law key Provisions*, in resources). For those engaged in drafting policy, technical assistance is available from the Educational Fund to Stop Gun Violence and Giffords Law Center.

- Definition of eligible petitioners, to include law enforcement officers, states and city attorneys, and family and household members (as defined in existing state law), including dating partners regardless of cohabitation or children in common.
- Establishment of civil law processes for extreme risk orders reflective of a state's existing processes for protective orders with due process protections, including *ex parte* orders (for when the respondent poses an *immediate and present danger* by possessing a firearm) and final year-long orders (issued after notice and hearing if the court finds that the respondent *poses a significant danger* by possessing a firearm).
- Guidelines for judges' consideration to determine threat of harm based on respondent's *behavior*, including but not limited to: recent acts or threats of violence towards self or others, history of threatening or dangerous behavior, unlawful or reckless use, display, or brandishing of a firearm, and recent acquisition of firearms, ammunition, or other deadly weapons.
  - *Strongly recommend **against** using psychiatric diagnoses in consideration of an order.* Not only is this stigmatizing, but mental illness is not a reliable predictor of violence.
- Specifications for firearms prohibitions created by the order, including but not limited to: purchase and possession prohibitions, requirements for relinquishment and/or removal, storage requirements for relinquished or removed property, and criminal penalties for violation of the order.
- Guidelines for order service and firearms relinquishments and removals, including but not limited to: order service by law enforcement when possible, guidelines for relinquishment and removal procedures and subsequent storage practices, and reporting of order records to federal and state background check systems and state firearms permits databases.
- Opportunity for respondent to petition for early termination.
- Opportunity for petitioner to petition for order renewal.
- Guidelines for firearms return upon termination or expiration of the order.



# 6.

## THE DATA



### EVIDENCE BASE FOR EXTREME RISK LAWS

Firearm suicide is the leading cause of violent death in the United States. Risk-based policies that help to create time and space between a suicidal individual and a firearm have great life-saving potential nationwide. Emerging research suggests that extreme risk laws may be valuable suicide prevention tools.

**Firearms are the method used in half of all US suicides and take an average of 20,000 lives each year - over 50 every single day.**

### IMPORTANCE OF REDUCING ACCESS TO FIREARMS DURING SUICIDAL CRISES

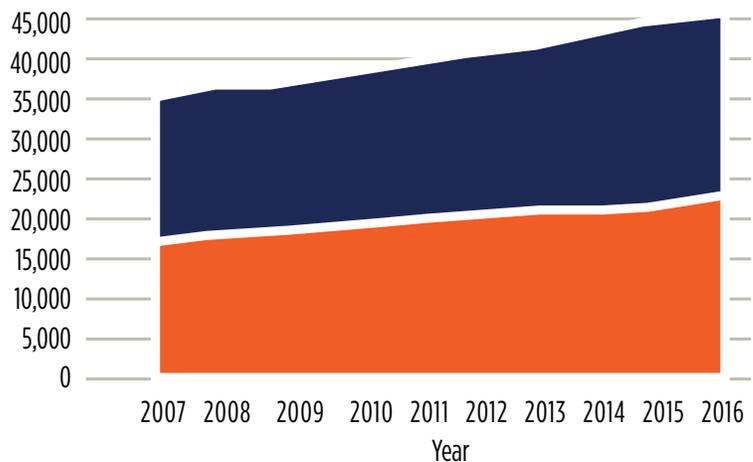
Suicide is a growing public health crisis in the United States.<sup>18</sup> Firearms are the method used in half of all US suicides and take an average of 20,000 lives each year - over 50 every single day.<sup>19</sup> The toll of firearm suicide on American families and communities is significant.

<sup>18</sup> National Center for Injury Prevention and Control, CDC. 1999-2016 US Suicide Deaths and Rates per 100,000. Fatal Injury Reports, 1999-2016. Retrieved April 27, 2018, from <http://www.cdc.gov/injury/wisqars/fatal.html>.

<sup>19</sup> National Center for Injury Prevention and Control, CDC. 2007-2016 US Firearm Suicide Deaths and Rates per 100,000. Fatal Injury Reports, 1999-2016. Retrieved April 27, 2018, from <http://www.cdc.gov/injury/wisqars/fatal.html>.

Figure 5. US Suicides, Overall and by Firearm, 2007-2016

■ Suicides, Overall   ■ Suicides, by Firearm

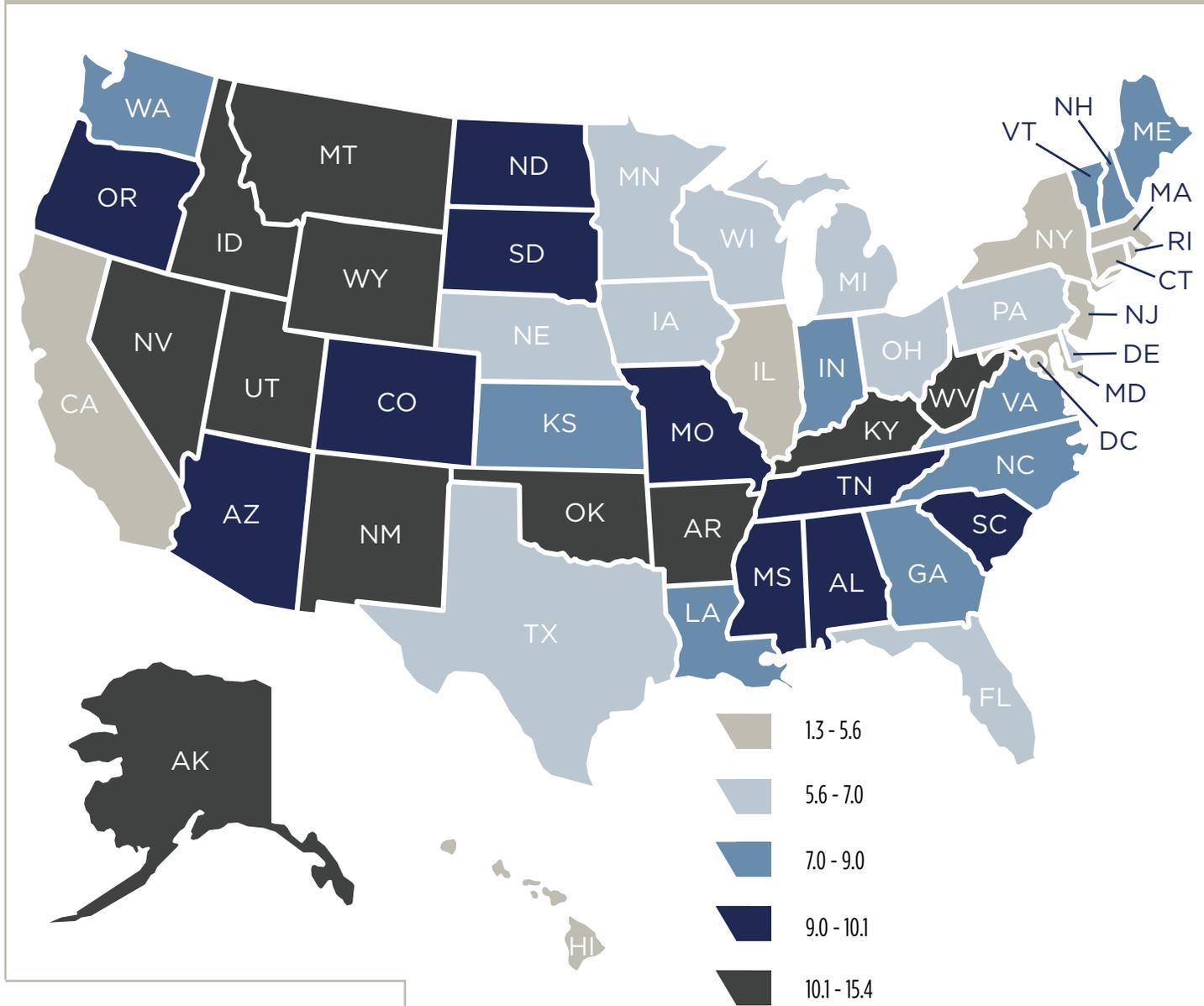


#### THE DATA

Extreme Risk Law Toolkit



Figure 6. Map of US Firearm Suicide Rates per 100,000 (Age-Adjusted) from 2012-2016



<sup>20</sup> Azrael, D. & Miller, M. (2016). Reducing suicide without affecting underlying mental health: Theoretical underpinnings and a review of the evidence base linking the availability of lethal means and suicide. In R.C. O'Connor & J. Pirkis (Eds.), *The International Handbook of Suicide Prevention*, Second Edition (pp. 637-662). West Sussex, England: John Wiley & Sons.

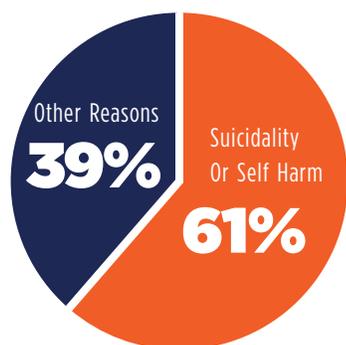
Source: Centers for Disease Control and Prevention, WISQARS Data Visualization Tool. Data from NCHS National Vital Statistics System for numbers of deaths; US Census Bureau for population estimates. <https://wisqars-viz.cdc.gov/>.

Firearms are among the most lethal suicide attempt methods, as approximately 9 out of 10 firearm suicide attempts are fatal. By comparison, the most frequently chosen methods of suicide attempt are significantly less lethal: poisoning/overdose and cut/pierce result in death in just 0.5-3% of attempts.<sup>20</sup> This means that many people who attempt suicide survive because they have chosen a method other than – and less lethal than – firearms.

**THE DATA**

Extreme Risk Law Toolkit

Figure 7. Reasons for Connecticut Risk Warrants



Though an individual may think about suicide for an extended period of time (thus providing opportunities for intervention and risk reduction), suicidal crises often peak relatively quickly.<sup>21</sup> Furthermore, research shows that few people choose another method for suicide if their preferred method is not available,<sup>22</sup> and 90% of individuals who attempt suicide do not go on to die by suicide.<sup>23</sup> An individual's access to a gun during a suicidal crisis is a critical factor in whether or not they will survive.

## CONNECTICUT CASE STUDY: EVIDENCE FOR EXTREME RISK LAWS IN SUICIDE PREVENTION

A 2017 analysis of Connecticut's extreme risk law (*risk warrants*<sup>24</sup>) by Dr. Jeffrey Swanson and colleagues adds to the growing body of evidence for extreme risk laws by demonstrating that such policies hold promise as effective tools in saving lives.<sup>25</sup>

The researchers found that in the first 14 years of Connecticut's extreme risk law (1999-2013), 762 risk warrants were issued, with suicidality or self-injury being listed as a concern in at least 61% of cases where such information was available. Police found firearms in 99% of cases and removed an average of seven guns per subject. The typical risk warrant subject was a middle-aged or older man, the same demographic that - nationwide - is most at risk for firearm suicide.<sup>26</sup>

Swanson's research team found that 21 individuals who had been served risk warrants went on to die by suicide, a rate approximately 40 times higher than the average suicide rate in the adult population in Connecticut during the same period. This staggeringly high rate illustrates that the risk warrants reached individuals who were at a dangerously elevated risk of suicide. However, of those 21 suicides, only six were carried out with guns. Using known case fatality rates (the percent of people who die in a suicide attempt) of the various suicide methods used in the study population, the researchers estimated that the 21 deaths likely represented 142 suicide attempts, mostly using less lethal means than a gun (so most attempts were survived). If firearms had been available and used in more of those attempts, it is likely that more risk warrant subjects would have died by suicide.

<sup>21</sup> Simon, T. R., Swann, A. C., Pwell, K. E., Potter, L. B., Kresnow, M., & O'Carroll, P. W. (2001). Characteristics of impulsive suicide attempts and attempters. *Suicide and Life-Threatening Behavior*, 32(supp): 49-59.

<sup>22</sup> Daigle, M. S. (2005). Suicide prevention through means restriction: Assessing the risk of substitution. A critical review and synthesis. *Accident Analysis and Prevention*, 37(4), 625-632.

<sup>23</sup> 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.

<sup>24</sup> CONN. GEN. STAT. § 29-38C

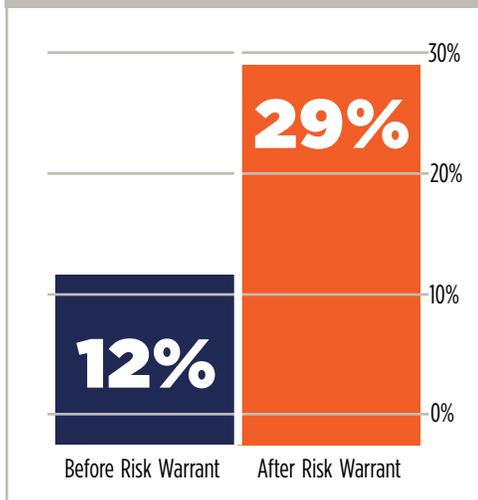
<sup>25</sup> Unless otherwise cited, the findings regarding Connecticut's risk warrant law as described in this section are from the following study: Swanson, J. W., Norko, M. A., Lin, H. J., Alanis-Hirsch, K., Frisman, L. K., Baranoski, M. V., et al. (2017). Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems*. 80(2), 101-128.

<sup>26</sup> National Center for Injury Prevention and Control, CDC. 2015 United States Suicide Firearm Deaths and Rates per 100,000. *Fatal Injury Reports 1999-2015, National and Regional*. Retrieved Oct 18, 2017, from [http://www.cdc.gov/injury/wisqars/fatal\\_injury\\_reports.html](http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html).

## THE DATA

Extreme Risk Law Toolkit

Figure 8. Percentage of Risk Warrant Subjects Receiving Treatment in the Public Behavioral Health System: Before and After Risk Warrant.



To estimate how many suicides were likely prevented by the risk warrants, the researchers used national data to estimate the likelihood that people in a similar population of gun owners would have chosen a gun in attempting suicide. They then used this likelihood to develop a model for calculating how many more of those estimated 142 suicide attempts would have been fatal had the risk warrant subjects still been in possession of firearms in the absence of the risk warrant. Since attempted suicide with a firearm is so likely to be fatal, reducing the percentage of suicide attempts with a firearm saves lives. The resulting model estimates that for every 10 to 20 risk warrants, one life is saved. Given that 762 risk warrants were issued through 2013, this means that an estimated 38 to 76 more people are alive today as a result of risk warrants in Connecticut.

**For every 10 to 20 risk warrants, one life is saved.**

#### RESOURCES:

Data Behind Extreme Risk Laws: Quick Reference (p. 30)

Data Behind Extreme Risk Laws: Where to Learn More (p. 30)

In addition to preventing suicide, the researchers also found that the risk warrants provided a gateway to behavioral health treatment. Despite the elevated risk of self-harm, only 12% of risk warrant subjects were treated in Connecticut's public behavioral health system in the year prior to the risk warrants being served. However, in the year *following* the issuance of a risk warrant, nearly one-third (29%) of subjects received treatment in the state system, an indication that the risk warrant provided a portal to critically needed mental health and substance use related services.

This analysis by Swanson and colleagues shows that risk warrants prevented additional suicide deaths by intervening in crises among high-risk individuals, providing safe periods for subjects to obtain critical behavioral health services, and shifting suicide attempt methods from firearms to less lethal means. As in Connecticut, extreme risk laws have the potential to save lives across the country.

#### THE DATA

Extreme Risk Law Toolkit

# 7.



## IMPLEMENTING EXTREME RISK LAWS

### POTENTIAL IMPLEMENTATION CHALLENGES AND RECOMMENDATIONS TO OVERCOME THEM

A policy is only as good as it is implemented. There are several potential stumbling blocks in the implementation of extreme risk laws. Major potential challenges and recommendations to overcome them are presented here, divided into two categories: general and process. General challenges are broad and include the critical first step of establishing a multidisciplinary working group that meets regularly and leads implementation of the policy. Process challenges have to do with specific steps related to extreme risk orders and the systems that operate them.

#### GENERAL:

**Challenge: Undefined Leadership.** A lack of guidance in the statute may leave stakeholders without clear leadership for the implementation and enforcement of a policy.

**Recommendation: Establish a multidisciplinary stakeholder working group** that meets routinely to facilitate discussions on allocating responsibility to ensure compliance and address challenges as they arise. This may facilitate cooperative relationships and communication among stakeholders. This working group will be responsible for developing and distributing policies, communicating changes, and establishing roles and responsibilities.

**Recommendation: Include stakeholders across jurisdictions,** including military and tribal, and develop guiding policies to clarify how extreme risk orders work when petitioners or respondents or both live in a military or tribal jurisdiction.

**Challenge: Lack of Resources.** If no funding is allocated in the original bill, stakeholders may be left with an unfunded and challenging task.

**Recommendation: Provide grant opportunities** for counties to convene working group meetings; to hire coordinators to improve implementation of extreme risk laws; to develop relevant policies, materials, and training; to improve storage facilities and record keeping; and to strategically evaluate extreme risk laws.



**Challenge: Law is Not Widely Known or Well Understood, and/or Orders Are Difficult to Obtain.** The extreme risk law model is relatively new and may be unfamiliar to stakeholders and petitioners alike. This includes lack of awareness of its existence, why it is important, how it may be applied, and processes for orders. Furthermore, the process may be difficult for a petitioner to navigate.

**Recommendation: Develop and implement tailored training, guidance, and resources as necessary for a wide variety of stakeholders.** Special focus should be given to law enforcement officers, court clerks, and judges, as well as social services providers who may be working with potential petitioners. All stakeholders should have copies of instructions on how to obtain an extreme risk order readily available to provide to potential petitioners.

**Recommendation: Consider a public awareness campaign to increase public knowledge of the extreme risk law.** Tools and instructions should be created for petitioners to help guide them through the petitioning process, with emphasis on what information to include in the petition, requirements for court appearances, and areas of required follow-up for service and enforcement of the order. Use a standard firearm identification form with pictorial depiction of typically possessed firearms to assist in identification when possible (available in resources).

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## RESOURCES:

Washington Court Form: Firearms Identification Worksheet (p. 31)

## PROCESS:

**Challenge: Order Notification, Surrender, and/or Removal.** For extreme risk laws to be effective, order notification and firearm surrender and/or removal must be completed quickly and safely.

**Recommendation: Create clear policies and procedures, including specific roles and responsibilities, for service of order and processes for firearms relinquishment and removal, with attention paid to navigating overlapping jurisdictions.** Identify respondents as potentially armed ahead of service of the order, allow orders to be served in the field when respondents may be otherwise difficult to locate, and train those serving the orders to routinely inquire about firearm possession and ownership at the time of order service. Train law enforcement officers, operating in teams of two or more, for safe relinquishment and removal processes.

**Recommendation: Respondents must be given explicit instructions on how to comply with the order,** including where to surrender firearms, which forms to complete, and where to file such forms. Include all relevant information in a comprehensive and standardized informational packet for respondents (tailored locally).

**Challenge: Compliance and Non-Compliance.** Roles and responsibilities for ensuring compliance with the extreme risk orders may not be defined in statute or may be poorly defined. Systems may not be automatically tracking or communicating compliance status, including processes to notify parties, courts, or law enforcement when deadlines have passed, requirements are not met, etc.

**Recommendation: Relevant stakeholders should use all available tools to ensure thorough compliance,** including utilizing any existing databases to identify subjects in possession of firearms. Roles, responsibilities, and procedures for tracking compliance, including manual tracking, should be clearly defined and include mechanisms for follow-up. Where multiple jurisdictions are involved, collaboration across jurisdictions is critical for compliance. Develop guidelines for cases of non-compliance, follow-through, and procedures for non-compliant respondents.

**Challenge: Data Sharing.** Some courts may not have digitized information, and some courts may use different electronic data systems that do not communicate, meaning that critical information may not be accessible to all stakeholders, including: whether respondent has weapons or a concealed carry license; existence of an order; status of an order's service, compliance, and weapon surrender/removal.

**Recommendation: Identify all available databases and determine which stakeholder has access to what databases and what information is contained in each database.** Assign responsibility to specific stakeholders for identifying and communicating each piece of information with the appropriate stakeholders.

**Challenge: Reporting to Background Check Systems.** It may be unclear which stakeholder is responsible for reporting individuals with extreme risk orders to the state and federal background check systems.

**Recommendation: Stakeholders in each jurisdiction must determine who is responsible for ensuring orders are reported to state and federal background check systems.**

**Challenge: Storage and Sale.** It may be unclear to whom firearms may be surrendered, how they are stored, and who is liable for damage that may occur. Policies for sale of firearms, at point of surrender or expiration of an order, may be unclear.

**Recommendation: Develop guidelines for storage,** including to whom firearms may be surrendered and/or who is responsible for storage, identifying appropriate storage facilities, and policies for storage and maintenance. Consider amending policies to waive liability for damage to or loss of firearms that may occur in the course of an order.

**Recommendation: Provide a procedure for respondents to sell firearms to a federally licensed firearms dealer at the initiation or expiration of an order.**

**Challenge: Return of Firearms.** Processes for return of firearms, including notification to petitioners and protocols for unclaimed firearms, may be unclear.

**Recommendation: Define processes, roles, and responsibilities for return of firearms, including clear communication between the courts and law enforcement.** Establish internal processes for confirming termination or expiration of the order, conducting a background check for existing firearm prohibitions, and safely returning firearms.

**Recommendation: Create model policies for informing petitioners of the order status (by phone, email, or mail).**

**Recommendation: Create protocol for disposal of unclaimed firearms.**

**Challenge: Tracking and Evaluation.** It may be unclear who is responsible for data collection, which data are important to collect, and how to evaluate the extreme risk laws.

**Recommendation: Consider including stakeholders such as the Department of Health or academic partners to create data collection procedures and develop an evaluation plan in conjunction with local law enforcement and judicial staff.** Define outcomes and measures to be collected. Measures to consider include: number of orders issued; rates of compliance; number of firearms surrendered; percent reduction in firearm suicides; petitioner experiences with extreme risk order process and outcomes.

## IMPLEMENTATION IN CALIFORNIA: SPEAK FOR SAFETY

In 2014, California became the first state to pass an extreme risk law that allowed both law enforcement and families to petition a court for an order, called a Gun Violence Restraining Order (GVRO). The law went into effect January 1, 2016.

**Speak for Safety** is a campaign created as a project of the California Firearms Strategy Group that functions to coordinate GVRO implementation activities across the state. This collaborative effort engages various committed stakeholders, including law enforcement officers, prosecutors, survivors, gun violence prevention advocates, domestic violence prevention advocates, mental health researchers, mental health advocates, public health advocates, and leading public health epidemiologists.

The Speak for Safety campaign has created resources for targeted stakeholders invested in the success of the GVRO policy, developed strategies for public education, and determined best practices among individuals petitioning for these orders. In doing so, they are educating and generating resources for those who are petitioning, initiating, and executing this vital new tool.

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### RESOURCES:

Speak for Safety campaign materials:

[Speak for Safety Fact Sheet](#) (English; p. 31)

[Speak for Safety Fact Sheet](#) (Spanish; p. 32)

Information on Gun Violence Restraining Orders for [Veterans](#), [Law Enforcement](#), [Families/Households](#), [Health/Mental Health Providers](#), and [Attorneys](#) (pp. 32). Additional resources for public health professionals, eldercare professionals, and fiduciaries can be found at [speakforsafety.org](http://speakforsafety.org).

Press Release, Santa Barbara County Sheriff's Office (p. 33)

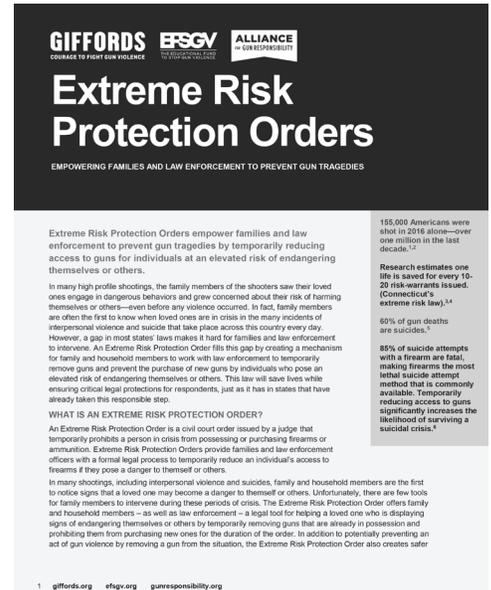
Press Release, San Diego City Attorney's Office (p. 33)

### ONLINE RESOURCES:

[Preventing Gun Tragedies Before They Occur: Understanding California's New Gun Violence Restraining Order Law](#). Webinar by the Giffords Law Center, educates attendees on the key aspects of this groundbreaking law and how to identify the circumstances under which it should be utilized to help prevent suicides and other gun violence. Online: <https://www.youtube.com/watch?v=PZw3qA0n8X4&t=219s>.

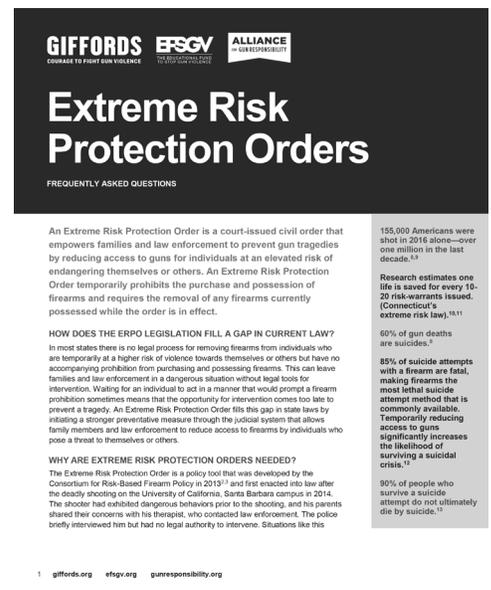


### RESOURCE 1: Extreme Risk Protection Order Fact Sheet



Select the image to access the full document.

### RESOURCE 2: Extreme Risk Protection Order Frequently Asked Questions



Select the image to access the full document.



### RESOURCE 3:

## Extreme Risk Protection Orders Vs. Domestic Violence Restraining Orders: How Are They Different?



### Extreme Risk Protection Orders vs. Domestic Violence Restraining Orders How are they different?

#### What is an Extreme Risk Protection Order (ERPO)?

An Extreme Risk Protection Order (ERPO) (also known as Gun Violence Restraining Order, Lethal Violence Protection Order, among others) is a civil order that temporarily prohibits individuals at risk of harming themselves or others from purchasing and possessing firearms. Depending on the state, a law enforcement officer and/or family or household member of an individual at risk may petition a court for an ERPO. As of July 2018, thirteen states have an extreme-risk law: California, Connecticut, Delaware, Florida, Illinois, Indiana, Maryland, Massachusetts, New Jersey, Oregon, Rhode Island, Vermont, and Washington. ERPOs are based on the well-established system of Domestic Violence Restraining Orders.

#### What are Domestic Violence Restraining Orders (DVROs) and No Contact Orders?

Domestic Violence Restraining Orders (DVROs) (also known as protection orders and no contact orders, among others) give survivors of domestic violence a mechanism to protect themselves from further abuse. DVROs can offer multiple types of provisions, including but not limited to, no contact provisions, stay away provisions, move out provisions, counseling provisions, and firearms provisions.

#### How are ERPOs and DVROs different?

##### Petitioners

Family and household members and law enforcement can petition for ERPOs. Law enforcement cannot petition for DVROs.

##### Protections

###### The individuals protected

ERPOs may protect the petitioner, third parties, and the respondent. DVROs protect the petitioner [and other named third parties]. Unlike DVROs, ERPOs can be used in situations when the subject is at risk for suicide.

###### The protections offered

ERPOs offer one type of protection – they only address access to firearms for individuals at an elevated risk of violence to self or others. DVROs can offer multiple types of protections through provisions, including no contact provisions, stay away provisions, move out provisions, counseling provisions, and firearms provisions.

##### Conclusion

ERPOs only offer firearms protections by temporarily removing firearms from individuals at risk of harming themselves or others, whereas DVROs can offer multiple types of protections for individuals experiencing domestic violence. It is critical for family members, advocates, domestic violence survivors, and law enforcement to work together to decide the best course of action.

efsgv.org

Educational Fund to Stop Gun Violence

July 2018



Select the image to access the full document.

### RESOURCE 4:

## Washington Initiative 1491 Campaign Persuasive One-Pager



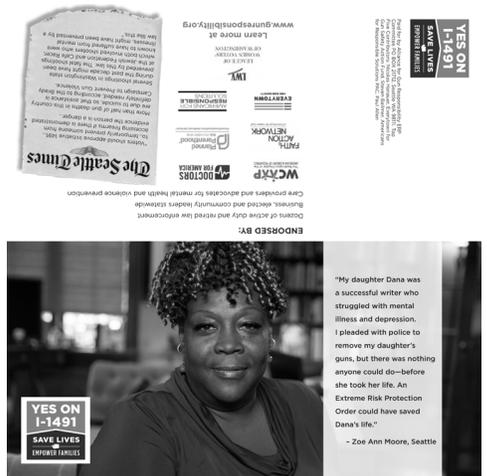
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### RESOURCES

Extreme Risk Law Toolkit

**RESOURCE 5:**

Washington Initiative 1491  
Campaign Mail Piece 1



Select the image to access the full document.

**RESOURCE 6:**

Washington Initiative 1491  
Campaign Mail Piece 2



Select the image to access the full document.

**RESOURCES**

Extreme Risk Law Toolkit

## RESOURCE 7:

# Mental Illness and Guns: Myths vs. Facts



### Mental Illness and Guns: Myths Vs. Facts

In the wake of another horrific school shooting, Americans are searching for reasons to explain why a person would commit such an atrocity. Already, many are blaming mental illness, as we have long been conditioned to associate mental illness with violence. But the idea that mentally ill means violent is simply a myth.

**MYTH:** Mental illness causes gun violence and mass shootings.

**FACT:** Mental illness is not a significant risk factor for or a predictor of interpersonal violence.

The majority of people with mental illness do not engage in violence against others, and most violence is caused by factors other than mental illness.<sup>1</sup>

- Individuals with mental illness are more likely to be victims of violence than perpetrators of violence.<sup>2</sup>
- Only four percent of interpersonal violence is attributable to mental illness alone.<sup>3</sup>
- Decades of research have identified various behaviors that do indicate an elevated risk of violence. Past violent behavior is the best predictor of future violence, regardless of a diagnosis of mental illness.<sup>4</sup> Domestic violence,<sup>5</sup> substance misuse,<sup>6</sup> alcohol misuse,<sup>7</sup> and illegal use of controlled substances<sup>8</sup> also increase the risk of violence.

When we blame a shooter's behavior on mental illness, we are stigmatizing and discriminating against people living with mental illness. Terms such as "the dangerously mentally ill" are misleading, disparaging, and not based on evidence.

It's important to remember that mental illness is part of a person in the same way that race and national origin are: diagnoses do not define individuals, but mental illness is not a choice. We can't choose where we come from, we can't choose what we look like, and we can't choose whether or not to have a mental illness.

**The way we talk about gun violence - and the laws that we support - should be based on facts, not falsehoods. To be effective, we must focus on dangerous behavior - not genetics and not diagnoses.**

<sup>1</sup>Swanson JW, Robinson AG, Fromm LR, Noko MA, Lin H, Swartz MS, Cook PJ. (2013). Preventing Gun Violence Involving People with Serious Mental Illness. *Behavioral Science Research Policy: Evidence and Analysis*, 3(3-5).  
<sup>2</sup>Chen P, Lipton LA, Abram KM. Perpetration of violence, violent victimization, and severe mental illness. *Journal of Interpersonal Violence*, 2005;20(2):151-69.  
<sup>3</sup>McGlothlin ML, Lohr KJ. Mental illness, mass shootings, and the politics of American firearms. *Am J Public Health*. 2015;105(2):240-49.  
<sup>4</sup>Cook PJ, Lohr KJ, Lohr KJ. *Violence and Mental Illness: A Critical Review of Empirical Evidence*. (2015). 2015;29(4):399-401.  
<sup>5</sup>Cantrill JC, Glass N, Shapiro PV, Langhin K, Brown T. Intimate partner homicide: Review and implications of research and policy. *Violence and Abuse*. 2007;8(2):146-59.  
<sup>6</sup>Holm SM, Mello K. Substance abuse and violence: A review of the literature. *Aggression and Violent Behavior*. 2003;8(2):155-174.  
<sup>7</sup>Thompson RR, Williams SC. The association between violence and mental disorder: results from the National Epidemiologic Survey on Alcohol and Related Conditions. *Arch Gen Psychiatry*. 2009;66(2):132-41.  
<sup>8</sup>Violence UP, Vintnik A. Keeping firearms from drug and alcohol abusers. *Aggr Prevention* 2009;15:421-427.

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## RESOURCE 8:

# Guns, Public Health and Mental Illness: Summary of the Best Available Research Evidence



### Guns, Public Health and Mental Illness Summary of the Best Available Research Evidence

The Educational Fund to Stop Gun Violence believes gun violence prevention policies should be evidence-based, promote public safety, and respect individuals with mental illness. Below is a summary from the Consortium for Risk-Based Firearm Policy's report, *Guns, Public Health, and Mental Illness*, outlining the best available research evidence.

#### Mental illness is not a significant predictor of violence

- Violence has many interacting factors and mental illness alone is very rarely the cause. Only 4% of violence in the United States is attributable to mental illness.
- Unless individuals have other risk factors for violence, individuals with mental health conditions are not much more likely to be violent toward others than individuals without these conditions.
- Most people with serious mental illness, such as schizophrenia and bipolar disorder, are never violent toward others, and are in fact more likely to be victims than perpetrators of violence.
- However, research suggests that small sub-groups of individuals with serious mental illness, at certain times, such as the period surrounding a psychiatric hospitalization or first episode psychosis, can be at an elevated risk of violence.

#### There are evidence-based factors that do increase the risk of violence

- The strongest predictor of future violence is past violent behavior.
- Domestic violence increases the risk of firearm violence. Most victims of intimate partner homicide are killed with a gun and there is as much as a five-fold increased risk of intimate partner homicide when an abuser has a firearm.
- Individuals convicted of violent misdemeanors are at increased risk of future violent crimes.
- Alcohol misuse is associated with violence towards self and others, and individuals with multiple DUI arrests are at significantly higher risk of committing other misdemeanor and felony crimes.
- Illegal use of controlled substance is consistently associated with heightened risk of violence. The physical and psychological effects of controlled substances, including agitation and cognitive impairment, can heighten the risk for violent behavior. Additionally, involvement in illicit drug markets is strongly associated with violence.

#### Mental illness does increase the risk of suicide

- Mental illnesses such as depression significantly increase the risk of suicide, which account for 66% of gun deaths in the U.S. each year.
- Although most suicide attempts do not involve guns, over half of completed suicides are firearm suicides. Evidence shows that because of the lethality of guns, 90% of firearm suicide attempts result in death.

Source: *Guns, Public Health and Mental Illness: An Evidence-Based Approach for Federal Policy*. Consortium for Risk-Based Firearm Policy. December 11, 2015. <http://efgv.org/wp-content/uploads/2014/10/Final-State-Report.pdf>

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## RESOURCES

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## RESOURCE 9:

# Infographic: How To Talk About Mental Health Without The Stigma

**HOW TO TALK ABOUT MENTAL HEALTH WITHOUT THE STIGMA**

- DANGEROUSLY MENTALLY ILL** (marked with an X): The word "dangerous" is stigmatizing, not based on facts, and not a clinical word.
- PERSON WITH SERIOUS MENTAL ILLNESS** (marked with a check): This refers to a diagnosis without any stigma or judgement.
- MENTALLY ILL, MENTAL DEFECTIVE** (marked with an X): These label a person by their illness and do not make a distinction between the person and the illness.
- PERSON WITH MENTAL ILLNESS** (marked with a check): This uses person-first language. A diagnosis should not define an individual.
- COMMITTED SUICIDE** (marked with an X): This conflates suicide with being a crime or criminal behavior, a holdover from when many states classified suicide as a felony.
- DIED BY SUICIDE** (marked with a check): This is factual without the implication of criminality or other judgment.
- SUCCESSFUL SUICIDE** (marked with an X): This implies a desired or positive outcome.
- SUICIDE DEATH** (marked with a check): This has the same intended meaning, but avoids glamorization.
- FAILED/ UNSUCCESSFUL SUICIDE ATTEMPT** (marked with an X): This has a negative connotation and glamorizes suicide attempts.
- NON-FATAL SUICIDE ATTEMPT** (marked with a check): This has the same intended meaning, but avoids glamorization.

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## RESOURCE 10:

# Guide to Avoiding Stigmatizing Language

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### Guide to Avoiding Stigmatizing Language

How to discuss suicide and behavioral/mental health terms

#### What is stigma?

Labeling and stereotyping that leads to status loss and discrimination for the stigmatized.

THEME	PROBLEMATIC	PREFERRED
BEHAVIORAL & MENTAL HEALTH	<b>Mentally ill, dangerously mentally ill, mental defective</b> <i>These terms label a person by their illness and do not make a distinction between the person and the illness; a person is more than their mental illness. The word "dangerous" is also stigmatizing and not a clinical word.</i>	<b>Person with mental illness, person with serious (severe) mental illness</b> <i>These terms have the same intended meaning but without the stigma or judgement; these terms do not label individuals by their illness but rather use person-first language.</i>
	<b>Substance abuser, addict, drug addict</b> <i>These terms label a person by their illness and do not make a distinction between the person and the illness; they also imply permanency; a person is more than their substance use.</i>	<b>Person with substance use disorder (SUD), substance misuse, inappropriate or problem or risky use</b> <i>These terms have the same intended meaning but without the stigma or judgement; these terms do not label individuals by their illness but rather use person-first language. SUD is a clinical diagnosis that is diagnosed when a person's substance use causes distress or harm.</i>
	<b>Alcohol abuser, alcoholic</b> <i>These terms label a person by their illness and do not make a distinction between the person and the illness; they also imply permanency; a person is more than their alcohol use.</i>	<b>Person with alcohol use disorder (AUD), person experiencing an alcohol problem</b> <i>These terms have the same intended meaning but without the stigma or judgement; these terms do not label individuals by their illness but rather use person-first language. AUD is a clinical diagnosis that is diagnosed when a person's drinking causes distress or harm.</i>
SUICIDE	<b>Committed suicide</b> <i>This conflates suicide with being a crime or criminal behavior, a holdover from when many states classified suicide as a felony.</i>	<b>Died by suicide, took their own life, ended their own life</b> <i>These phrases are factual without the implication of criminality or other judgment.</i>
	<b>Successful suicide</b> <i>Successful sounds like a desired or positive outcome.</i>	<b>Suicide death, suicide</b> <i>Removing "successful" relays the facts without glamorization.</i>
	<b>Failed suicide, failed attempt</b> <i>Failed has a negative connotation and glamorizes suicide attempts.</i>	<b>Suicide attempt, non-fatal attempt</b> <i>Removing "failed" relays the facts without glamorization.</i>



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## RESOURCES

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## RESOURCE 11: Extreme Risk Law Key Provisions

### EXTREME RISK LAW KEY PROVISIONS

Extreme risk laws typically mirror existing domestic violence protection orders in each state. While variation is expected, the key provisions listed below are recommended for extreme risk laws. For those engaged in drafting policy, technical assistance is available from the Educational Fund to Stop Gun Violence and Giffords Law Center.

- Petitioners: to include law enforcement officers, states and city attorneys, and family and household members (as defined in existing state law), including dating partners regardless of cohabitation or children in common.
- Establishment of civil law processes for extreme risk orders reflective of a state's existing processes for domestic violence protective orders:
  - \* Ex parte orders: for when the respondent poses an immediate and present danger by possessing a firearm.
    - Should be heard in person or by phone on the day the petition is filed.
    - Should contain a process allowing law enforcement to obtain an order when the court is closed similar to the state's existing process for obtaining a warrant.
    - Should require the court to set a hearing no later than 30 days after the issuance of the ex parte order to determine whether to terminate the order or issue a final order.
  - \* Final orders: issued after notice and hearing if the court finds that the respondent poses a significant danger by possessing a firearm.
    - Should last for a period of one year.
- \* Petitioners should not be charged any fees or costs for filing a petition or for issuance or service of an order - similar to how those fees are often waived in the state for domestic violence orders.
- Guidelines for judges' consideration of evidence to determine threat of harm based on respondent's behavior. Judges should be required or authorized to review the following evidence which is indicative of a heightened risk of violence:
  - \* Recent acts or threats of violence towards self or others.
  - \* History of threatening or dangerous behavior.
  - \* Convictions of domestic violence misdemeanors, other violent misdemeanors.
  - \* History of or current misuse of controlled substances and/or alcohol.
  - \* Recent violation of a domestic violence protective order.
  - \* Unlawful or reckless use, display, or brandishing of a firearm.
  - \* Recent acquisition of firearms, ammunition, or other deadly weapons.
  - \* Cruelty to animals.
  - \* Strongly recommend **against** using psychiatric diagnoses in consideration of an order. Not only is this stigmatizing, but mental illness is not a reliable predictor of violence.
- Extreme risk orders should:
  - \* Prohibit a respondent from having in their custody or control, purchasing, possessing, or receiving a firearm, ammunition, or other deadly weapon ("firearm"), "Other deadly weapon" should reference an existing definition or be defined.
  - \* Require the relinquishment and/or removal, and subsequent storage, of firearms, ammunition, other deadly weapons, and firearms permits already in the respondent's custody, control, or possession.



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## RESOURCE 12: Comparison Of Extreme Risk Laws

### COMPARISON OF EXTREME RISK LAWS

As of July 2018, thirteen states have already passed extreme risk laws that allow families and law enforcement to intervene when an individual is at extreme risk of harming themselves or others with a gun. With the rich diversity of needs, resources, systems, and existing laws found across the nation, extreme risk laws are customized to fit each state. Existing extreme risk laws may be valuable resources for states considering their own extreme risk legislation.

The chart below provides a brief overview of the different states' extreme risk laws, including the policy names and legal references, dates effective, types of orders available, including order duration and the legal standard petitioners must meet to prove that the subject of the order is at an elevated risk of harming themselves or others; eligible petitioners for each kind of order available; and where to find court forms and additional information as available.

Note: While each state may use different names for the order types, for simplicity, we classify all "emergency," "ex parte," or "temporary" orders issued without notice and hearing as "Ex Parte" orders, and all orders issued after notice and hearing as "Final" orders.

State	Name and Legal Reference	Effective Date	Types of Orders Available, Eligible Petitioners, Duration of Orders, and Legal Standard	Court Forms and/or General Information (as available)
California	Gun Violence Restraining Order or Firearms Restraining Order  Cal. Penal Code, §§ 18100-18205	Effective January 1, 2016	<b>TEMPORARY EMERGENCY:</b> - Law Enforcement - 21 days - Reasonable cause  <b>EX PARTE:</b> - Law Enforcement; Family or Household Member - Up to 21 days - Substantial likelihood  <b>FINAL:</b> - Law Enforcement; Family or Household Member - One year - Clear and convincing	<a href="http://www.courts.ca.gov/forms.htm?filter=GVP">http://www.courts.ca.gov/forms.htm?filter=GVP</a>
Connecticut	Risk Warrant  Conn. Gen. Stat. § 29-38c	Effective 1999; as amended, October 1, 2013	<b>WARRANT:</b> - Law Enforcement; (Assistant) State's Attorney; Up to 1 year - Probable cause (initial warrant) - Clear and convincing (at hearing)	<a href="https://www.jud.ct.gov/Publications/JDSC140Firearm%20Safety%20Warrants.Web.pdf">https://www.jud.ct.gov/Publications/JDSC140Firearm%20Safety%20Warrants.Web.pdf</a>



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## RESOURCE 13:

# Data Behind Extreme Risk Laws: Quick Reference



### Data Behind Extreme Risk Laws

A Look at Connecticut's Risk-Warrant Law

Law enforcement and families are in desperate need of tools to temporarily suspend firearms access for at-risk individuals during periods of crisis. *Extreme Risk Laws* fill this need.

#### Risk-Warrant in Connecticut

In 1999, Connecticut became the first state to pass a law granting law enforcement the clear legal authority to temporarily remove firearms from individuals when there is probable cause to believe they are at a significant risk of harm to self or others (called a *risk-warrant*).

A dozen more states now have similar laws, though some also allow family members to petition for these orders.

A recent analysis of Connecticut's risk-warrant law by Dr. Jeffrey Swanson of Duke University, with a team of nine other researchers, adds to the evidence for risk-based firearms removal laws by demonstrating that such policies are promising and effective tools to save lives. Their findings are detailed below.<sup>1</sup>

#### Reaching high-risk people and saving lives

In the first 14 years of Connecticut's risk-warrant law (1999-2013):

- 762 risk-warrants were issued, with increasing frequency after the 2007 Virginia Tech shooting.<sup>2,3</sup>
- Police found firearms in 99% of cases.
- Police removed an average of seven guns per subject.

#### Suicide Prevention

- Typical risk-warrant subject was a middle-aged or older man - the same demographic that, nationwide, is most at risk for firearm suicide.<sup>4</sup>
- Suicidality or self-injury was a listed concern in 261% of cases where such material was available.
- 21 risk-warrant subjects went on to die by suicide, a rate about 40 times higher than the adult suicide rate in Connecticut.
- 6 of 21 suicides were by firearm. Known case fatality rates<sup>5</sup> of suicide methods were used to estimate that the 21 suicides likely represent 142 attempts, mostly by means less lethal than guns.
- **In the absence of a risk-warrant and if firearms had been available and used in more of the risk-warrant subjects' attempts, more would have died by suicide.**

States with Extreme Risk Laws <sup>6</sup>	
California	Gun Violence Restraining Order
Connecticut	Risk-warrant
Delaware	Lethal Violence Protection Order
Florida	Risk Protection Order
Illinois	Firearms Restraining Order
Indiana	Proceedings for the Seizure and Retention of a Firearm
Maryland	Extreme Risk Protective Order
Massachusetts	Extreme Risk Protection Order
New Jersey	Extreme Risk Protective Order
Oregon	Extreme Risk Protection Order
Rhode Island	Extreme Risk Protection Order
Vermont	Extreme Risk Protection Order
Washington	Extreme Risk Protection Order



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## RESOURCE 14:

# Data Behind Extreme Risk Laws: Where to Learn More



## DATA BEHIND EXTREME RISK LAWS: Where to Learn More

*Guns, Public Health, and Mental Illness: An Evidence-Based Approach for State Policy* is a 2013 report by the Consortium for Risk Based Firearm Policy (Consortium) and commissioned by the Ed Fund that proposes specific, state-level policy recommendations aimed at preventing those most likely to commit violence from obtaining firearms.<sup>1</sup>

*Using Research Evidence to Reframe the Policy Debate Around Mental Illness and Guns: Process and Recommendations* is a 2014 academic paper by members of the Consortium for Risk-Based Firearm Policy published in the *American Journal of Public Health*. The article describes the Consortium's process and recommendations outlined in their report, *Guns, Public Health, and Mental Illness: An Evidence-Based Approach for State Policy* (above).<sup>2</sup>

*Extreme Risk Protection Orders: An Opportunity to Save Lives in Washington* is a 2016 report from the Ed Fund that was developed ahead of a 2016 voter referendum on Initiative 1491 to establish Extreme Risk Protection Orders in Washington. The report provides information and data regarding Extreme Risk Protection Orders, including how they work and why they are needed to save lives in Washington State.<sup>3</sup>

*Background Checks For All Gun Buyers and Gun Violence Restraining Orders: State Efforts to Keep Guns from High-Risk Persons* is a 2017 research article published in the *Journal of Law, Medicine, and Ethics* that discusses how extreme risk laws are effective state-level gun violence prevention tools.<sup>4</sup>

*Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?* is a 2017 research article by Dr. Jeffrey Swanson and colleagues, published in the *Journal of Law and Contemporary Problems*, that reviews Connecticut's extreme risk law and its impact in its first fourteen years of law.<sup>5</sup>

*The Gun Violence Restraining Order: An Opportunity for Common Ground in the Gun Violence Debate* is a 2017 legal paper by Ed Fund staff, published in the *Journal of Developments in Mental Health Law* from the University of Virginia, that outlines the history of extreme risk policies in various states.<sup>6</sup>

*Limiting Access to Lethal Means: Applying the Social Ecological Model for Firearm Suicide Prevention* is a 2018 paper by Ed Fund staff, published in the *Journal of Injury Prevention*, that highlights extreme risk laws at the policy level as part of a multifaceted approach to firearm suicide prevention.<sup>7</sup>

<sup>1</sup> Report available: <http://efsgv.wpengine.com/wp-content/uploads/2014/07/Final-State-Report.pdf>  
McGinty EE, Frattoni S, Appelbaum PS, Bonnie RJ, Griley A, Horwitz J, Swanson JW, Webster DW. Using research evidence to reframe the policy debate around mental illness and guns: process and recommendations. *American journal of public health*. 2014;104(10):1620-4.  
<sup>2</sup> Report available: <http://efsgv.org/wp-content/uploads/2016/09/FINAL-ERPO-complexe-092016.pdf>  
<sup>3</sup> Venick, JS, Riccio, J, & Horwitz, J. (2017). Background checks for all gun buyers and gun violence restraining orders: State efforts to keep guns from high-risk persons. *The Journal of Law, Medicine & Ethics*, 45(1), 109-120.  
<sup>4</sup> Swanson, JW, Norko, MA, Lin, HJ, Alamo-Hirsch, V, Friman, LK, Baranowski, MY, et al. (2017). Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems*, 80(2), 101-128.  
<sup>5</sup> Roskam, K & Chaplin, V. (2017). The Gun Violence Restraining Order: An opportunity for common ground in the gun violence debate. *Dev. Mental Health*, 1, 36-1.  
<sup>6</sup> Alchin, A, Chaplin, V, & Horwitz, J. (2018). Limiting access to lethal means: applying the social ecological model for firearm suicide prevention. *Injury prevention*, *injuryprev-2018*.



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## RESOURCE 15:

# Washington Court Form: Firearms Identification Worksheet

Case Name: \_\_\_\_\_  
County: \_\_\_\_\_ Case No: \_\_\_\_\_

Firearm Identification Worksheet (You may attach this to the petition.)

Does your partner possess any guns? Yes  No

If yes, where does your partner store the guns? \_\_\_\_\_  
\_\_\_\_\_

To the best of your knowledge, are the guns typically loaded?  
Yes  No  I don't know

The pictures below are examples of the most common guns. If you recognize any of the pictures below as similar to the one/s your partner has, please circle it and write in the circle how many your partner has.

### Handgun



Firearm Identification Worksheet (Optional) – Page 1 of 3  
XR 102 (10/2017) RCW 7.94.150(1)(b)



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## RESOURCE 16:

# Speak for Safety Fact Sheet (English)

## SPEAK FOR SAFETY

Speak for Safety is a campaign to raise awareness of the Gun Violence Restraining Order, a historic, first-of-its-kind tool in California for temporarily removing firearms from loved ones in crisis.

### WHAT IS A GUN VIOLENCE RESTRAINING ORDER?

Family members are often the first to know when a loved one is in a crisis and at risk of harming his or herself, or others. A common thread in many acts of violence is that family members saw their loved ones engage in dangerous behaviors and grew concerned even before any violence occurred.

California's Gun Violence Restraining Order (GVRO) offers family members, household members, and law enforcement a tool for temporarily removing a firearm from loved ones in crisis. A GVRO offers an opportunity for a loved one to access help and care that could stop a violent situation from occurring.



01

REQUEST AN APPLICATION  
Request an application from your local county courthouse.

STEP 1

02

COMPLETE AND SUBMIT AN APPLICATION  
Complete and file the GVRO application with the court clerk.

STEP 2

03

A JUDGE ISSUES AN INITIAL RULING  
If your spouse or partner or other restrained party is served with a copy of the order and firearms are removed for 21 days.

STEP 3

04

ATTEND HEARING  
Attend the hearing and bring proof of a judge's order and supporting evidence to request the suspension of the order and possession of firearms for the restrained party.

STEP 4

### HOW A GVRO WORKS

A GVRO is a civil court order that temporarily prohibits an individual who is in crisis from possessing or purchasing any guns or ammunition. It is used to protect someone who is at risk of harm to self or others by having a firearm.

By temporarily removing guns already possessed and prohibiting new gun purchases, the GVRO creates safer circumstances for individuals to seek treatment (e.g. for substance use, mental disorders) or engage other resources to address the underlying causes of the dangerous behaviors. Modeled after the success of domestic violence restraining orders in all 50 states, the GVRO has the potential to stop future tragedies.

### HOW TO ACCESS A GVRO

If you are concerned about a family member or partner's potential to commit violence and would like more information on how to access a Gun Violence Restraining Order, please visit:

[WWW.SPEAKFORSAFETY.ORG](http://WWW.SPEAKFORSAFETY.ORG)

DISCLAIMER: This website does not provide legal advice and information is intended for general informational purposes only. If you need legal advice, please contact an attorney directly. IN CASE OF AN EMERGENCY, PLEASE CALL 911 OR VISIT YOUR LOCAL LAW ENFORCEMENT AGENCY. Version 2, Sept. 2017



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## RESOURCES

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## RESOURCE 17:

### Speak for Safety Fact Sheet (Español)

# SPEAK FOR SAFETY

Speak for Safety es una campaña para aumentar el conocimiento de la Orden de Restricción de la Violencia con Armas de Fuego, una ley histórica en California, que se puede usar para retirar, temporalmente, las armas de fuego de un ser querido en estado de crisis.

**¿Qué es la orden de restricción de la violencia con armas de fuego?**

Los miembros de la familia son los primeros en saber cuándo un ser querido está en peligro de hacer daño a sí mismo o a otras personas. Algo en común entre muchos actos de violencia es que los miembros de la familia vieron a sus seres queridos involucrarse en conductas peligrosas e incluso sintieron preocupación antes de que pasara algo violento.

La Orden de Restricción de Violencia de Armas de Fuego (GVRO por sus siglas en inglés) ofrece a los miembros de familia y del hogar y agentes de la autoridad un recurso legal para retirar temporalmente un arma de fuego de sus seres queridos en crisis. GVRO ofrece una oportunidad para que seres queridos puedan acceder a la ayuda y el cuidado que podría prevenir una situación violenta.

**¿Cómo funciona la GVRO?**

Una GVRO es una orden judicial civil que prohíbe a una persona que está en crisis de poseer o adquirir armas o munición. Se utiliza para proteger a alguien que está en riesgo de causar daño a sí mismo o a otros por tener un arma de fuego.

Al retirar temporalmente las armas bajo su posesión y prohibir la compra de armas nuevas, el GVRO crea circunstancias más seguras para que individuos busquen tratamiento (por ejemplo, para el uso de sustancias adictivas, o trastornos mentales), u otros recursos para tratar las causas detrás del comportamiento peligroso.

Siguiendo el modelo exitoso de las órdenes de restricción de violencia doméstica que están en efecto en los 30 estados, el GVRO tiene el potencial de prevenir tragedias.

**Para más información**

Si le preocupa que un miembro de su familia esté a riesgo de cometer un acto violento y le gustaría más información sobre cómo acceder una Orden de Restricción de armas de fuego, por favor visite:

[www.speakforsafety.org](http://www.speakforsafety.org)

**DESCARGO DE RESPONSABILIDAD:** Speak for Safety no proporciona asesoramiento legal. La información se ofrece únicamente a fines informativos. Se necesita asesoramiento legal. Siempre en contacto con un abogado. **EN CASO DE UN EMERGENCIA, POR FAVOR LLAME AL "911"**

Version 2 Agosto 2017



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## RESOURCE 18:

### Selected Speak for Safety Stakeholder Specific Resources on California's Gun Violence Restraining Order (GVRO):

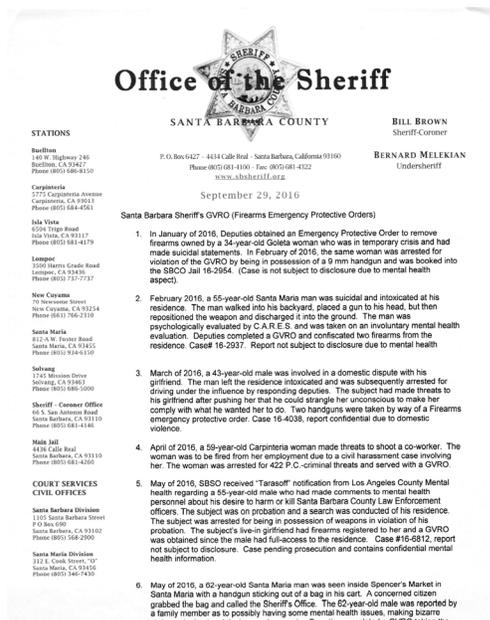
- a. GVROs and Veterans
- b. GVROs and Law Enforcement
- c. GVROs and Families/Households
- d. GVROs and Health/Mental Health Providers
- e. GVROs and Attorneys



Select the images to access the full document.

## RESOURCE 19:

# Santa Barbara Sheriff's Gun Violence Restraining Order Memo



Select the image to access the full document.

## RESOURCE 20:

# San Diego City Attorney Press Release



San Diego City Attorney Mara W. Elliott

FOR IMMEDIATE RELEASE: February 16, 2018  
Contact: Cheryl Nolan at [cnolan@sandiego.gov](mailto:cnolan@sandiego.gov) or (619) 533-6176

## City Attorney's Office, San Diego Police Working to Protect the Public from Gun Violence

City Attorney Mara W. Elliott announced today that her office has now obtained Gun Violence Restraining Orders against 10 gun owners who posed a serious danger to themselves and others.

The gun owners – some dealing with severe mental health problems – were each ordered by a judge to surrender or sell all firearms in their possession and to not acquire or possess firearms or ammunition for 12 months, the maximum allowable by law. Police and prosecutors seek the orders to prevent firearm-related tragedies.

San Diego is the first City Attorney's Office in the state to adopt an aggressive strategy of filing charges and obtaining Gun Violence Restraining Orders against individuals who present serious risks of harm. The approach was developed by the Criminal Division of the City Attorney's Office and by Assistant Chief David Nisleit on behalf of the San Diego Police Department.

**"Our federal government is inexcusably ignoring the growing problem of gun violence in our schools and communities. The City of San Diego will not tolerate federal inaction. We're doing everything in our power to respond to this epidemic of senseless killing by removing guns from the hands of unstable and irresponsible gun owners,"** City Attorney Mara W. Elliott said. **"We are proud to partner with the San Diego Police Department in this effort and to lead the way for all California."**

The first 10 Gun Violence Restraining Orders obtained by the City Attorney's Office were against the following gun owners:

- A 23-year-old ex-Marine who had developed a paranoia that all males wanted to harm him. He had walked into a Keady Mesa auto parts store with a loaded handgun, but called police before shooting anyone.
- A 39-year-old San Carlos man who, while intoxicated (at three times the legal limit), believed he was shooting at raccoons and rats in his backyard. Terrified neighbors called police as bullets flew into their backyards.
- A 60-year-old Otay Mesa man who grabbed a .38 revolver and fled his home after his family discovered he was molesting his grandchild. The man was arrested with the gun in his vehicle.

Recent City Attorney media releases can be accessed on the San Diego City Attorney's home page located on the Internet at <http://www.sandiegocityattorney.org>

1200 Third Avenue, Suite 1620, San Diego, California 92101-4188 (619) 236-6220



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As citizens rally nationwide to prevent gun violence, this Extreme Risk Law Toolkit will help do just that. Extreme risk laws are evidence-based policies that empower families and law enforcement to intervene when an individual is at extreme risk of harming themselves or others, thereby preventing a tragedy before it occurs. Created in partnership by the Educational Fund to Stop Gun Violence, the Alliance for Gun Responsibility, and Giffords, this Extreme Risk Law Toolkit provides a comprehensive resource that details ways in which lawmakers, advocates, and stakeholders can take action to enact and implement life-saving extreme risk laws across the country.

[efsgv.org](http://efsgv.org)

[gunresponsibility.org](http://gunresponsibility.org)

[giffords.org](http://giffords.org)



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