

## Data behind Extreme Risk Protective Order Policies

### 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 Protective Order* policies 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*).

Indiana, California, and Washington have similar laws, though California and Washington 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>2</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>3,4</sup>
- Police found firearms in 99% of cases.
- Police removed an average of seven guns per subject.

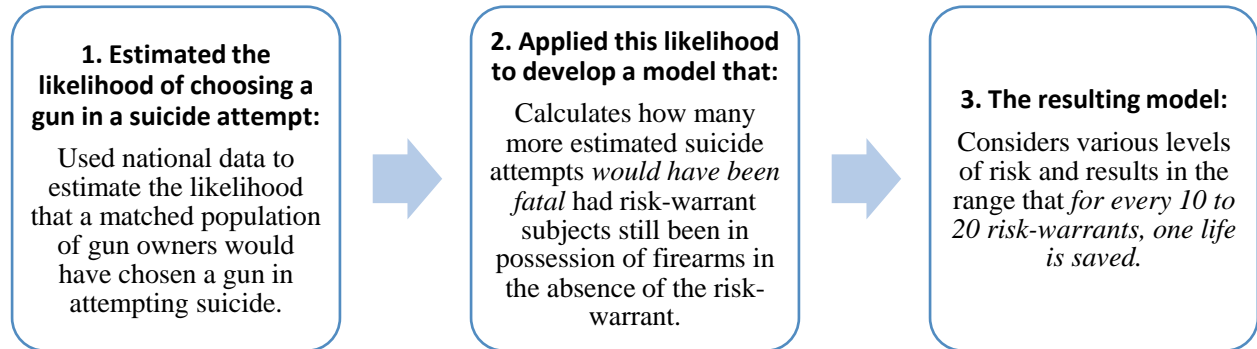
#### Suicide Prevention

- Typical risk-warrant subject was a middle-aged or older man - the same demographic that, nationwide, is most at risk for firearm suicide.<sup>5</sup>
- Suicidality or self-injury was a listed concern in  $\geq 61\%$  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>6</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 ERPO-type laws <sup>1</sup> |                                                        |
|-----------------------------------------|--------------------------------------------------------|
| California                              | Gun Violence Restraining Order                         |
| Connecticut                             | Risk-warrant                                           |
| Indiana                                 | Proceedings for the Seizure and Retention of a Firearm |
| Oregon                                  | Extreme Risk Protection Order                          |
| Washington                              | Extreme Risk Protection Order                          |

### How did the researchers reach this conclusion?

Since attempted suicide with a firearm has such a high case fatality rate, reducing the percentage of suicide attempts with a firearm saves lives. The researchers developed a model to estimate how many suicides would likely be averted by limiting access to guns through risk-warrants.



### Access to Health Care

- *Before risk-warrant:* Most risk-warrant subjects (88%) were not known to Connecticut's public behavioral health system when the warrants were served – despite their elevated risk of self-harm.
- *After risk-warrant:* Nearly one-third (29%)<sup>7</sup> of subjects received treatment in the state system
- *Significance:* Risk-warrants provided a portal to critical mental health and substance abuse services.

### Conclusion

This analysis by Swanson and colleagues shows that risk-warrants:

- Reached individuals who were at a dangerously elevated risk of suicide.
- Prevented additional suicide deaths by intervening in crises.
- Provided safe periods for subjects to obtain much-needed treatment services.
- Saved lives by shifting suicide attempt methods from firearms to less lethal means.

### Research estimates for every 10-20 risk-warrants issued, one life is saved.

<sup>1</sup> Conn. Gen. Stat. § 29-38C; Ind. Code Ann. § 35-47-14; Cal. Penal Code § 18100 \_et seq.; Senate Bill 719, 2017 Reg. Sess. (Or.2017); Wash. Rev. Code Ann. § 7.94.010 \_et seq.

<sup>2</sup> Swanson, JW, Norko, M, Lin, HJ, Alanis-Hirsch, K, Frisman, L, Baranoski, M, Easter, M, Gilbert, A, Swartz, M, & Bonnie, RJ. Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides? (August 24, 2016). Law and Contemporary Problems, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=2828847>

<sup>3</sup> Norko, M, & Baranoski, M. "Gun Control Legislation in Connecticut: Effects on Persons with Mental Illness." Connecticut Law Review 46.4 (2014): 1609-631.

<sup>4</sup> Friedman, D. "Laws That Allow for Temporarily Removing Guns from High-Risk People Linked to a Reduction in Suicides." The Trace. 08 Sept. 2016. <<https://www.thetrace.org/2016/09/gun-violence-restraining-order-suicide-reduction-connecticut/>>.

<sup>5</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, for National, Regional, and States (RESTRICTED). Retrieved April 4, 2017, from [http://www.cdc.gov/injury/wisqars/fatal\\_injury\\_reports.html](http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html)

<sup>6</sup> Case fatality rates (or case fatality ratios) represent the percent of people who die in a suicide attempt, in this case by specific methods.

<sup>7</sup> 29% is a conservative estimate; it is likely that additional risk warrant subjects sought private mental health and substance use treatment services that are not included in this figure.