

EXTREME RISK PROTECTION ORDER (ERPO) IN VIRGINIA

ERPO Legislation will help prevent mass shootings and suicides

An Extreme Risk Protection Order (ERPO) bill will empower law enforcement to prevent gun tragedies. This bill will allow law enforcement to file a petition with the courts to temporarily remove and prohibit the possession or purchase of firearms from individuals at high risk of harm to self or others. When the order expires, firearms may be returned. Similar laws are available in 17 states and the District of Columbia. If passed in Virginia, ERPO will help prevent mass shootings and suicides.

Research of similar laws in Indiana and Connecticut suggests that one life is saved for every 10 cases where firearms are temporarily removed.¹

MASS SHOOTINGS

Sixty-nine mass shootings have occurred in the United States in twelve years since the Virginia Tech massacre. Over this time span 562 individuals have been murdered and an additional 1,005 have been injured in mass shootings.² The recent Virginia Beach mass shooting on May 31, 2019, where 12 people were killed and 4 people were injured, is a reminder of how mass shootings continue to devastate the Commonwealth and our nation as a whole.

How Virginia's ERPO will prevent mass shootings: Mass shooters often exhibit warning signs that they are dangerous. Current Virginia law does not permit police clear legal authority to remove firearms from many of these high risk individuals even when they show warning signs like stockpiling weapons or making threats. Virginia's ERPO will provide law enforcement with the tools to temporarily remove firearms from these individuals before they commit acts of mass violence.

In Rockville, Maryland, law enforcement used a similar bill to prevent a school shooting. The state's ERPO legislation allowed police to temporarily confiscate an AR-15 rifle from an 18-year old who made multiple mass shooting threats at his former high school.³

SUICIDE

In 2017, 1,179 Virginians died by suicide; a firearm was used in 57% of these cases. The Commonwealth's firearm suicide rate has steadily increased over the last decade (2008 to 2017) and is consistently higher than the national rate.⁴ Easy access to firearms increases the risk of suicide a by nearly 3-fold. Individuals who are temporarily in crisis and have easy access to a firearm are particularly vulnerable.⁵

How Virginia's ERPO will prevent suicides: ERPO provides family members and friends an avenue for safely removing firearms from loved ones exhibiting signs of distress. It allows concerned individuals to provide clear evidence to law enforcement who can petition the court for an ERPO. An analysis of a similar law in Connecticut found that 61% of individuals who had firearms removed were at risk for suicide and for every 10-20 of risk warrants issued one suicide was averted.⁶

In Clark County, Washington law enforcement used ERPO to prevent a suicide. Police responded to a 57-year old man who was being evicted from his home and had made suicidal statements involving his firearm. Police used ERPO to temporarily remove the gun and protect this man during his time of crisis.⁷

BOTTOM LINE:

ERPO will fill a gap in Virginia law by giving law enforcement the tools they need to temporarily remove firearms from individuals at high risk for violence. This legislation will help prevent mass shootings and suicides.

¹ Swanson, J. W., Easter, M. M., Alanis-Hirsch, K., Belden, C. M., Norko, M. A., Robertson, A. G., ... & Parker, G. F. (2019). Criminal Justice and Suicide Outcomes with Indiana's Risk-Based Gun Seizure Law. *The journal of the American Academy of Psychiatry and the Law*.

² Follman, M., Gavin A., & Pan, D. (2018) "U.S. Mass Shootings, 1982–2019: Data from Mother Jones' Investigation. <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/>

³ Rockville Teen Charged with threatening mass violence at Walter Johnson high School. Bethesda Magazine. 2018. <https://bethesdamagazine.com/bethesda-beat/rockville-teen-charged-with-threatening-mass-violence-at-walter-johnson-high-school/>

⁴ Centers for Disease Control and Prevention, National Center for Health Statistics. Underlying Cause of Death 1999-2017 on CDC WONDER Online Database. Accessed at <http://wonder.cdc.gov/ucd-icd10.html>

⁵ 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. *Annals of internal medicine*, 160(2), 101-110.

⁶ Swanson, J. W., Norko, M. A., Lin, H. J., Alanis-Hirsch, K., Frisman, L. K., Baranoski, M. V., ... & Bonnie, R. J. (2017). Implementation and effectiveness of connecticut's risk-based gun removal law: Does it prevent suicides. *Law & Contemp. Probs.*, 80, 179.

⁷ Shedlock, J. (2019) Gun seizures in Clark County surge in law's 2nd year. *The Columbian*.