

Summary of Research on Extreme Risk Laws

An Evidence-Based Policy That Saves Lives

As of July 2021, 19 states and the District of Columbia have extreme risk laws and several peer-reviewed studies have examined the impact of these laws. A growing body of research suggests that extreme risk laws are valuable gun violence prevention tools.

EXTREME RISK LAWS ARE EVIDENCE-BASED

Most extreme risk laws are known as *extreme risk protection orders (ERPOs)*. The policy was developed by the Consortium for Risk-Based Firearm Policy (Consortium) in 2013 based on the leading research on risk factors for violence. The Consortium called for states to pass a policy that empowers law enforcement and family members (among other petitioners) to work with courts to temporarily remove firearms from those who pose a danger to themselves or others.^{1,2}

EXTREME RISK LAWS PREVENT SUICIDES

- In Swanson et al. (2017), researchers studied Connecticut’s extreme risk law from 1999-2013 and found 762 orders (called “risk-warrants”) were issued in that time period.³ They found that risk-warrants reached people who were at an elevated risk of suicide and prevented additional suicide deaths by intervening in suicidal crises. Police found firearms in 99% of cases, removing an average of seven guns per subject. Furthermore, people in Connecticut subject to orders had an annual suicide rate 40 times higher than the general population, showing the increased risk among this population. For every 10-20 orders issued, at least one suicide was prevented.
- Kivisto & Phalen (2018) examined the state-level impact of Indiana and Connecticut’s extreme risk laws on suicides.⁴ Studies found that extreme risk laws were linked to promising reductions in firearm suicides in both Connecticut and Indiana as Indiana’s extreme risk law was associated with an estimated 7.5% reduction in firearm suicides while Connecticut’s extreme risk law was associated with an estimated 13.7% reduction in firearm suicides.
- Swanson et al. (2019) studied Indiana’s extreme risk law from 2006-2013 and found that 395 firearm removal orders were issued, and 1,079 firearms were temporarily removed.⁵ The researchers found that orders were issued for individuals at high risk for self-harm. Suicidal ideation was cited as a reason for issuing the order in nearly 70% of these cases. Individuals in Indiana subject to orders had an annual suicide rate 31 times higher than the general population, showing the increased risk among this population. One suicide was prevented for every 10 firearm removal orders issued.
- In Zeoli et al. (2021), researchers studied Oregon’s extreme risk law for 15 months after implementation.⁶ Most extreme risk laws were issued for interpersonal violence (75%) or

suicidality (73%). In 53% of the cases, the respondent had a history of both suicidality and interpersonal violence.

EXTREME RISK LAWS HAVE BEEN USED IN EFFORTS TO PREVENT MASS SHOOTINGS

- In Wintemute et al. (2019), researchers studied California's extreme risk law by examining the court records of 159 orders issued from 2016 to 2018 and concluded that extreme risk laws may play a role in efforts to prevent mass shootings.⁷ In 21 orders, the subject showed clear signs that they intended to commit a mass shooting and after the orders were issued, no mass shootings, suicides, or homicides associated with order subjects were identified to have occurred.

EXTREME RISK LAWS ARE USED IN WIDE RANGE OF CIRCUMSTANCES

- In Pallin et al. (2020), researchers studied California's extreme risk law by examining the court records of 1,076 orders from 2016 to 2019.⁸ The respondent was male in 92% of orders, and the average age of the respondent was 43 years old. The racial/ethnic distribution of respondents roughly matched that of firearm owners in California. Fifty-nine percent of respondents were White, 21% were Latinx, 9% were Black, and 7% were Asian. Law enforcement officers were petitioners in nearly all cases (97%).
- Frattaroli et al. (2020) conducted a descriptive study of Washington's extreme risk law.⁹ Of the 238 orders filed in Washington state between 2016-2019, researchers found that the law was appropriately being applied by law enforcement to prevent self-harm, harm to others, and harm to self and others.
- Prater et al. (2020) studied nine orders filed between 2016-2019 for persons with dementia.¹⁰ Two of the petitioners were family members and seven of the petitioners were law enforcement. Five of the respondents had contact with law enforcement and/or adult protective services before the order was filed, typically for cases of violent or erratic behavior.
- In Zeoli et al. (2021), researchers analyzed 93 petitions from 2018-2019 in Oregon.¹¹ Nearly one-third of petitioners were intimate partners or family members. Often, the petitions were filed within days of a threat of violence, indicating that extreme risk laws are being used for imminent threats of harm. This study also found that extreme risk laws are being used to temporarily prevent non-gun owners at risk of harm from acquiring guns.

INCREASED AWARENESS OF EXTREME RISK LAWS IS CRITICAL

- Frattaroli et al. (2019) sought to understand the level of awareness of extreme risk laws among physicians in Maryland and what barriers exist to using extreme risk laws in clinical settings.¹² Studies found that most physicians in Maryland were unfamiliar with the law but, after being informed about the law, showed a willingness to use it.
- In Pallin et al. (2020), authors found the uptake of California's GVRO law was slow but increased considerably in 2018 and again in 2019.¹³ The increase in use was driven by a few counties and suggests the importance of local leadership and law enforcement training to increase use of this policy.

- Frattaroli et al. (2020) study demonstrates orders can help individuals gain access to mental health care, though it is critical to note that ERPOs are not intended to solely be used as a mental health tool.¹⁴
- Prater et al. (2020) studied Washington's extreme risk law to assess where and why the law was used for persons with dementia.¹⁵ Of the nine orders filed, all but one of the individuals had kept their firearms on them or in a location that was not secure. Risk orders can be used to protect persons living with dementia.
- Swanson (2020) highlighted the need for future ERPO research to look into whether extreme risk laws exacerbate racial disparities within the criminal legal system.¹⁶

Extreme risk laws save lives. Grounded in evidence and based on risk of violence towards self or others, these laws are helping to prevent gun deaths and protect communities from tragedy.

¹ Consortium for Risk-Based Firearm Policy. (2013). *Guns, public health, and mental illness: an evidence-based approach for state policy*. <http://efsgv.org/wp-content/uploads/2014/10/Final-State-Report.pdf>

² Consortium for Risk-Based Firearm Policy. (2020). *Extreme Risk Protection Orders: New Recommendations for Policy and Implementation*. EFSGV. <https://efsgv.org/wp-content/uploads/EFSGV-ConsortiumReport2020-ERPOs.pdf>

³ Swanson JW, et al. (2017). Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems*.

⁴ Kivisto AJ & Phalen PL (2018). Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981–2015. *Psychiatric Services*.

⁵ Swanson JW, et al. (2019). Criminal justice and suicide outcomes with Indiana's risk-based gun seizure law. *Journal of the American Academy of Psychiatry and the Law*.

⁶ Zeoli AM, Paruk J, Branans CC, Carter PM, Cunningham R, Heinze J, & Webster DW. (2021). Use of extreme risk protection orders to reduce gun violence in Oregon. *Criminology & Public Policy*.

⁷ Wintemute GJ, Pear VA, Schleimer JP, Pallin R, Sohl S, Kravitz-Wirtz N, et al. (2019). Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series. *Annals of Internal Medicine*.

⁸ Pallin R, Schleimer JP, Pear VA, & Wintemute GJ. (2020). Assessment of Extreme Risk Protection Order Use in California From 2016 to 2019. *JAMA Network Open*.

⁹ Frattaroli S, Omaki E, Moloczniak A, Allchin A, Hopkins R, Shanahan S, & Levinson A. (2020). Extreme risk protection orders in King County, Washington: the epidemiology of dangerous behaviors and an intervention response. *Injury Epidemiology*.

¹⁰ Prater LC, Haviland MJ, Rivara FP, Bellenger MA, Gibb L, & Rowhani-Rahbar A. (2020). Extreme Risk Protection Orders and Persons with Dementia in the State of Washington. *Journal of General Internal Medicine*.

¹¹ Zeoli AM, Paruk J, Branans CC, Carter PM, Cunningham R, Heinze J, & Webster DW. (2021). Use of extreme risk protection orders to reduce gun violence in Oregon. *Criminology & Public Policy*.

¹² Frattaroli S, Hoops K, Irvin NA, et al. (2019). Assessment of Physician Self-reported Knowledge and Use of Maryland's Extreme Risk Protection Order Law. *JAMA Network Open*.

¹³ Pallin R, Schleimer JP, Pear VA, & Wintemute GJ. (2020). Assessment of Extreme Risk Protection Order Use in California From 2016 to 2019. *JAMA Network Open*.

¹⁴ Frattaroli S, Omaki E, Moloczniak A, Allchin A, Hopkins R, Shanahan S, & Levinson A. (2020). Extreme risk protection orders in King County, Washington: the epidemiology of dangerous behaviors and an intervention response. *Injury Epidemiology*.

¹⁵ Prater LC, Haviland MJ, Rivara FP, Bellenger MA, Gibb L, & Rowhani-Rahbar A. (2020). Extreme Risk Protection Orders and Persons with Dementia in the State of Washington. *Journal of General Internal Medicine*.

¹⁶ Swanson JW. (2020). The color of risk protection orders: gun violence, gun laws, and racial justice. *Injury Epidemiology*.