THE DATA BEHIND EXTREME RISK LAWS
An Evidence-Based Policy That Saves Lives

Gun violence is a leading cause of death in the United States. Risk-based policies that help to create time and space between an at-risk individual and a firearm have great life-saving potential nationwide. A growing body of research suggests that extreme risk laws are valuable gun violence prevention tools.

REDUCING ACCESS TO PEOPLE AT RISK OF VIOLENCE SAVES LIVES

- Gun violence is a public health crisis in the United States. Firearms are the method used in half of all U.S. suicides and three-quarters of all U.S. homicides, taking nearly 40,000 lives each year - over 100 every single day.[1] The toll of gun violence on American families and communities is significant.
- Easy access to guns significantly increases the risk of both firearm suicide and homicide.[2,3]
- Policies are needed that reduce easy access to firearms by people who are at elevated risk of violence.

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.[4,5]

RESEARCH ON EXTREME RISK LAWS

As of November 2021, 19 states and the District of Columbia have extreme risk laws and several peer-reviewed studies have examined the impact of these laws.

Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? Swanson et al. (2017)[6]

Researchers studied Connecticut's extreme risk law from 1999-2013 and found 762 orders (called "risk-warrants") were issued in that time period, increasing in frequency after the 2007 Virginia Tech shooting. They found that risk-warrants reached people who were at a dangerously elevated risk of suicide and prevented additional suicide deaths by intervening in suicidal crises.

- The typical risk-warrant subject was a middle-aged or older man and suicidality or self-injury was listed as a concern in at least 61% of cases where such information was available.
- Police found firearms in 99% of cases, removing an average of seven guns per subject.
- 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.**

Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981–2015.
Kivisto & Phalen (2018)[7]

Researchers studied the state-level impact of Indiana and Connecticut's extreme risk laws on suicides. They used statistical modeling to estimate what the firearm suicide rate would have been in each state if it did not have an extreme risk law. They then compared the real firearm suicide rates to the rates predicted by the statistical model.
- Indiana's extreme risk law was associated with an estimated 7.5% reduction in firearm suicides.
- Connecticut's extreme risk law was associated with an estimated 13.7% reduction in firearm suicides.
- **The researchers concluded that extreme risk laws were linked to promising reductions in firearm suicides in both Connecticut and Indiana.**

Criminal justice and suicide outcomes with Indiana's risk-based gun seizure law.
Swanson et al. (2019)[8]

Researchers 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. The researchers found that orders were issued for individuals at dangerously high risk for self-harm.
- Suicidal ideation was cited as a reason for issuing the order in nearly 70% of these cases.
- Domestic disturbance was cited in 28% of cases and homicidal ideation was cited in 21%.
- The majority of cases involved White men with suicidal ideation where police removed more than one firearm.
- People 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.**

Extreme risk protection orders intended to prevent mass shootings: A case series.
Wintemute et al. (2019)[9]

Researchers studied California's extreme risk law by examining the court records of 159 orders issued from 2016 to 2018. They concluded that California's extreme risk law has been used as a tool to help prevent numerous mass shootings, and they examined each of these cases in depth.
- In 21 orders, the subject showed clear signs that they intended to commit a mass shooting.
- Orders were used as a tool by law enforcement to help prevent school, workplace, and politically motivated mass shootings.
- No mass shootings, suicides, or homicides associated with order subjects were identified to have occurred after the orders were issued.
- **The authors concluded that extreme risk laws may play a role in efforts to prevent mass shootings.**

Assessment of physician self-reported knowledge and use of Maryland's extreme risk protection order law.
Frattaroli et al. (2019)[10]

Researchers in Maryland sought to understand the level of awareness of extreme risk laws among Maryland physicians and what barriers exist to using extreme risk laws in clinical settings.
- 66 of 92 survey participants (71.7%) reported having no knowledge of extreme risk laws.
- After reading a brief description of extreme risk laws, nearly all (92.4%) respondents indicated that in a given year they encounter patients that they would consider for an extreme risk law, and 59.8% of respondents indicated that they would be very or somewhat likely to file an extreme risk law for a qualifying patient.
- The main barrier to filing an extreme risk law was time and fear that filing an extreme risk law would negatively affect their relationship with their patient. The most appealing options to mitigate these barriers were 1) having a coordinator manage the extreme risk law process (87.0%), 2) training on

extreme risk laws (85.9%), 3) having the ability to participate in court hearings remotely (73.9%), and 4) having access to legal counsel (64.1%).

- **Most physicians in Maryland were unfamiliar with the law but, after being informed about the law, showed a willingness to use it.**

Assessment of extreme risk protection order use in California from 2016 to 2019.
Pallin et al. (2020)[11]

Researchers studied California's extreme risk law by examining the court records of 1,076 orders from 2016 to 2019.

- Three quarters of all California counties issued at least one order during this time period. However, the vast majority of orders issued occurred in a handful of counties and most were issued in 2019.
- Most respondents were male (91.5%) and White (59.2%).
- Law enforcement officers were petitioners in nearly all cases (96.5%).
- **The authors found the uptake of California's GVRO law was slow but increased considerably in 2018 and again in 2019. 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.**

Extreme risk protection orders in Washington: A statewide descriptive study.
Rowhani-Rahbar et al. (2020)[12]

Researchers conducted a descriptive study of Washington's extreme risk law to assess reasons for filing the order, characteristics of the respondent, number and type of firearms removed, and ERPO petition outcome.

- There were 238 orders filed in Washington state between December 8, 2016 and May 10, 2019 with similar numbers of orders issued for harm to self (n=67), harm to others (n=86), or both harm to self and others (n=84). One respondent was excluded due to lack of information.
- 30% of respondents were issued a court-ordered mental health evaluation.
- **The authors concluded that most orders in Washington have been filed by law enforcement to prevent self-harm, harm to others, and harm to self and others. 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.**

Extreme risk protection orders in King County, Washington: The epidemiology of dangerous behaviors and an intervention response.
Frattaroli et al. (2020)[13]

Researchers conducted a descriptive study of the use of ERPOs in King County, Washington.

- In 2017 and 2018, there were 75 ERPO petitions filed, 97% of which were filed by law enforcement.
- Judges granted a temporary order in all 75 cases and 65 (87%) of the cases resulted in a one-year order.
- Of the 75 respondents, 30 (40%) were described as a risk to themselves only, 20 (27%) were described as a risk to others only, and 25 (33%) were described as a risk to themselves and others.
- In five of the cases, the risk to others was classified as a mass shooting threat.
- For 95% of the temporary orders issued, the court issued the order because of current violence or brandishing a firearm.
- **The researchers found that the law was appropriately being applied by law enforcement in situations where someone is threatening violence to self or others, or for cases of brandishing a firearm.**

Extreme risk protection orders and persons with dementia in the state of Washington.
Prater et al. (2020)[14]
Researchers studied Washington's extreme risk law to assess where and why the law was used for persons with dementia.
- Nine orders filed between December 8, 2016 and May 10, 2019 were for persons with dementia, six of which were granted for one year.
- All of the persons with dementia were men; one was a Black man and eight were White men.
- 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.
- 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.**

Use of extreme risk protection orders to reduce gun violence in Oregon.
Zeoli et al. (2021)[15]
Researchers studied Oregon's extreme risk law for the 15 months after implementation.
- Researchers analyzed 93 petitions from January 1, 2018 to March 31, 2019. 77 of the 93 (83%) ex parte petitions were granted.
- At least one order was filed in 22 of the 36 counties in Oregon during the time period.
- 65% of petitions were law enforcement, 18% were intimate partners, and 14% were family members.
- 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.
- In 26% of cases, the petitioner did not explicitly say whether the respondent had a gun.
- **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.**

"This will save lives": Evaluating the Illinois Firearms Restraining Order Act (FRO).
Grim M (2021)[16]
This article analyzes interviews with individuals familiar with Illinois's extreme risk law, called a Firearms Restraining Order (FRO).
- **The study author found that while the FRO was passed as a response to mass shootings, interviewees identified it primarily as a tool to prevent suicide and domestic violence.**

Implementation and perceived effectiveness of gun violence restraining orders in California: A qualitative evaluation.
Pear et al. (2021)[17]
Researchers conducted interviews with 27 stakeholders and gun violence restraining order (GVRO) implementers in California to gain insights into the implementation process and attitudes toward the law.
- Researchers found that GVRO implementation is hindered by underfunding and inconsistencies across jurisdictions.
- **More funding and more robust GVRO training are needed to improve implementation of the law.**

Colorado's first year of extreme risk protection orders.
Barnard et al. (2021)[18]
Researchers reviewed the first year of extreme risk protection order petitions from Colorado.
- 109 ERPO petitions were filed in Colorado in 2020; 11 orders missing key information and 12 duplicates were excluded from the study. Of the remaining 86 petitions, 25 (29%) were denied, and 61 (71%) were

temporary orders. Of the temporary orders, 49 (80%) continued into 364-day orders and 12 orders were ultimately denied.
- 82% of temporary and 85% of final orders filed by law enforcement were granted, compared to 18% of temporary and 15% of final orders filed by family or household members.
- Only 4 of 86 petitions (4.7%) were inappropriately filed; none were granted.
- Petitions were filed and granted in both second amendment (2A) and non-2A sanctuary counties (second amendment sanctuary counties are those in which sheriffs or local law enforcement indicated that they would not enforce the law).
- Most petitioners were law enforcement, most petitions were filed for risk of harm to others, and most respondents were non-Hispanic White males.
- **Misuse of ERPO is rare, and, contrary to initial messaging from those in second amendment sanctuary counties, ERPO is still used to temporarily disarm people in 2A counties. More robust implementation, including increased awareness about the law, is needed.**

IN ADDITION TO THE PEER-REVIEWED RESEARCH, THERE HAVE BEEN SEVERAL PEER-REVIEWED COMMENTARIES OF EXTREME RISK LAWS.

The color of risk protection orders: Gun violence, gun laws, and racial justice.
Swanson JW (2020)[19]
- This commentary is a response to "Extreme risk protection orders in King County, Washington: The epidemiology of dangerous behaviors and an intervention response."
- This response served as a call to ensure that future ERPO research looks into racial disparities as a result of the law.

Extreme risk protection orders in Washington: A tool for reducing the lethality of dangerous behaviors.
Frattaroli & Irvin (2020)[20]
- This commentary is a response to "Extreme risk protection orders in Washington: A statewide descriptive study."
- This response cautions against including information about a respondent's treatment for mental illness. The authors also note how conversations about ERPO can be framed in the context of conversations around police reform.

Risk-based temporary firearm removal orders: A new legal tool for clinicians.
Swanson et al. (2021)[21]
- This commentary outlines how clinicians should be authorized petitioners for extreme risk laws.
- The authors concluded that clinicians should be allowed to petition for an ERPO to help keep their patients safe.

Extreme risk protection orders —A tool for clinicians to prevent gun violence.
Frattaroli & Sharfstein (2021)[22]
- Hawaii, Maryland, and Washington, DC allow for clinicians to petition for extreme risk laws. Evidence from a 2019 survey[23] shows that most (72%) clinicians are not aware of extreme risk laws yet after reading a brief description of the law most survey respondents said they would consider using an extreme risk law for cases where intervention was urgently needed.
- Healthcare providers should be trained about what extreme risk laws are and how they can be used.

U.S. extreme risk protection orders to prevent firearm injury: The clinician's role.
Blackwood & Christopher (2021)[24]

- This commentary outlines the role of clinicians in extreme risk protection orders, including the steps that states can take to make the petition process easier for clinicians and ethical and liability concerns that may affect clinicians.

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.

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