

EXTREME RISK PROTECTION ORDERS (ERPOs) AND SUICIDE

Bottom Line: Extreme risk protection orders—also called gun violence restraining orders—enable courts to temporarily prohibit a person from having guns if law enforcement or immediate family members show that he poses a significant danger to himself or others. ERPO laws have been shown to reduce suicide rates by providing an opportunity to intervene and prevent a person from accessing firearms during a time of crisis, before dangerous warning signs escalate into firearm suicide.

America is in the midst of a firearm suicide epidemic. But preventing a suicidal person's access to firearms can save their life.

- Suicide accounts for nearly two-thirds of gun deaths in the United States, killing over 21,000 Americans each year.¹ And guns are used in over half of all suicide deaths.² Those numbers are high for a simple reason: because guns are more lethal than almost any other method of self-harm, people who attempt suicide with a gun are overwhelmingly likely to die.³
- Access to a gun is associated with a significant increase in risk of suicide. A review of fourteen studies found that household gun access **triples the risk** of death by suicide.⁴
- Reducing a suicidal person's access to firearms – by temporarily removing them during acute mental crisis – is likely to save their life. Suicide is often an impulsive act; many survivors of suicide attempts report spending less than 10 minutes deliberating before their suicidal act.⁵

ERPO LAWS EMPOWER FAMILY MEMBERS AND LAW ENFORCEMENT TO PETITION FOR AN ORDER THAT TEMPORARILY REMOVES GUNS FROM A DANGEROUS SITUATION AND REDUCES THE RISK OF SUICIDE.

When a person is in crisis, loved ones and law enforcement are often the first to see the warning signs. ERPO laws empower family members and law enforcement to petition for an order that temporarily removes guns from a dangerous situation and reduces the risk of suicide.

- Under current federal law, a person is only barred from having guns if he or she is convicted of certain crimes, adjudicated as mentally ill or committed to a mental institution, or subject to a domestic violence restraining order.⁶ Potentially suicidal people may display warning signs, but will still be able to possess guns unless they are hospitalized or convicted of a serious crime.

PREVENTING A SUICIDAL PERSON'S ACCESS TO FIREARMS CAN SAVE THEIR LIFE.

- Under ERPO laws, immediate family members and law enforcement present evidence to a judge that a person in crisis is too dangerous to have guns. If the judge finds the person poses a significant danger of injury to self or others with a firearm and that alternative solutions are inadequate, the judge will order him to turn in his guns.
- Oregon enacted its ERPO law in 2017, Washington State enacted its law by initiative in 2016, and California enacted its law in 2014.⁷ Connecticut and Indiana have similar laws.⁸

ERPO laws have been shown to reduce suicides.

- One estimate of the impact of Connecticut's ERPO law during the 1999-2013 period found that, for every 10 to 11 gun removal cases, one suicide was averted – an estimated 72 averted suicides.⁹

Before a long-term ERPO may be issued, the person is entitled to a full legal hearing.

- An emergency order may be issued on an ex parte basis when a person poses an immediate danger, but lasts only for a short period—typically 14 days.
- If family members or law enforcement petition for a final order, the person will have the opportunity to appear at a hearing and respond to arguments that it is too dangerous for him to have a gun. The judge may issue the order only if he poses a significant danger of personal injury to himself or others by having a gun.
- Domestic violence restraining orders have a similar structure: Orders may be issued for brief emergency periods, but the subject must have a hearing before a long-term order is issued.

ERPO laws can also prevent gun violence against others—like mass shootings—by enabling law enforcement and family to take action before crisis turns into tragedy.

- Before he killed six people in Isla Vista, California in May 2014, the shooter displayed numerous warning signs, including making homicidal and suicidal threats. His parents alerted law enforcement, but police decided he did not meet the criteria for emergency commitment—so he kept his guns and used them in the killing spree three weeks later.¹⁰
- Before killing 12 people and injuring three at the Washington Navy Yard in September 2013, the mass shooter had been treated for mental health issues and had a series of run-ins with the police, including firearms incidents in multiple states.¹¹ But he was not prohibited from having guns and was able to legally purchase the shotgun he used in the killing spree.

The National Suicide Prevention Lifeline is a national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.
suicidepreventionlifeline.org
1-800-273-TALK (8255)

Text **HOME** to **741741** from anywhere in the US, anytime, about any type of crisis.

For more information on responsible storage of firearms and how you can help others improve their storage practices, visit **besmartforkids.org**.

Endnotes

- 1 Centers for Disease Control and Prevention. National Centers for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS). A yearly average was developed using five years of most recent available data: 2011-2015.
- 2 Centers for Disease Control and Prevention. National Centers for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS). A yearly average was developed using five years of most recent available data: 2011-2015.
- 3 Miller M, Azrael D, Hemenway D. The epidemiology of case fatality rates for suicide in the northeast. *Annals of Emergency Medicine*. 2004;43(6):723-730. See also: Vyrostek SB, Annest JL, Ryan GW. Surveillance for fatal and nonfatal injuries—United States, 2001. *MMWR*. 2004;53(SS07);1-57. Available at: <http://1.usa.gov/1Q0DCSK>.
- 4 Anglemyer A, Horvath T, Rutherford G. The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis. *Ann Intern Med*. 2014;160:101–110. doi: 10.7326/M13-1301.
- 5 Deisenhammer EA, Ing CM, Strauss R, et al. The duration of the suicidal process: how much time is left for intervention between consideration and accomplishment of a suicide attempt? *J Clin Psychiatry*. 2009; 70(1): 19-24. See also: Simon, T.R., Swann AC, Powell KE, Potter LB, Kresnow M, and O'Carroll PW. Characteristics of impulsive suicide attempts and attempters. *SLTB*. 2001; 32(supp): 49-59.
- 6 18 U.S.C. § 922(d), (g).
- 7 See 2017 OR S 719; Wash. Rev. Code § 7.94.010, et seq.; Cal. Penal Code §§ 18125, 18150, 18175.
- 8 See; Conn. Gen. Stat. § 29-38c; Ind. Code § 35-47-14-1, et seq.
- 9 Swanson JW, Norko M, Lin H, Alanis-Hirsch K, Frisman L, Baranoski M, Easter M, Robertson AG, Swartz M, and Bonnie RJ. Implementation and effectiveness of Connecticut's risk-based gun removal law: does it prevent suicides? *Law and Contemporary Problems*. 2017; 80: 179-208.
- 10 The Washington Post, Philip Rucker and Robert Costa, "In Elliot Rodger, Authorities in Calif. Saw Warning Signs But Didn't See A Tipping Point," May 25, 2014, available at <http://wapo.st/2uGx2gZ>.
- 11 The Washington Post, Sari Horwitz, Steve Vogel and Michael Laris, "Officials: Navy Yard Shooter Carved Odd Messages Into His Gun Before Carnage," Sept. 18, 2013, available at <http://wapo.st/2waHZa9>.