

Gun violence restraining orders: A promising strategy to reduce gun violence in the US

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Gun violence restraining orders (GVRs) are a promising strategy for reducing firearm homicide and suicide in the United States, and should be considered by states seeking to address gun violence, researchers from the Johns Hopkins Center for Gun Policy and Research at the Johns Hopkins Bloomberg School of Public Health and the University of California, Davis, argue in a new report.

The article is being published online in *Behavioral Sciences and the Law* on May 20.

GVRs allow family members and intimate partners who believe a relative's dangerous behavior may lead to violence to request an order from a civil court authorizing [law enforcement](#) to remove any guns in the individual's possession, and to prohibit new gun purchases for the duration of the order. Three states have laws that authorize law enforcement to remove guns from someone identified as dangerous: Indiana, Connecticut and Texas. In 2014, California became the first state in the nation to allow family members and intimate partners to directly petition a judge to temporarily remove firearms from a family member if they believe there is a substantial likelihood that the family member is a significant danger to himself or herself or others in the near future. The law, passed by the California legislature, takes effect Jan. 1, 2016.

"GVRs allow family members or [intimate partners](#) who identify a pattern of dangerous behavior to intervene in advance of something bad happening," says lead author Shannon Frattaroli, PhD, MPH, an associate professor with the Johns Hopkins Center for Gun Policy and Research. "Currently under federal law, those who have been involuntarily committed to inpatient treatment for mental illness or those who have been convicted of

felonies are prohibited from purchasing or possessing firearms, but there is no temporary prohibition based on dangerousness," Frattaroli said. "The limitation of this approach is that firearm removals do not go into effect until an extreme event that results in a criminal justice or [mental health](#) system response has already occurred."

In their analysis, the researchers considered the 2011 mass shooting in Tucson, Ariz., where Congresswoman Gabrielle Giffords and 18 others were shot and the 2014 mass shooting in Isla Vista, Calif., near the University of Santa Barbara campus, to determine the potential impact of GVRs. In Tucson, shooter Jared Loughner's family had taken away his shotgun and advised him to seek clinical help because of his threatening behavior. However these actions weren't enough to keep him from buying another gun and using it to kill and injure more than a dozen people. In the absence of a criminal act or involuntary commitment, those around Loughner had limited options to prevent his rampage. Similarly, California shooter Elliot Rodger's family was also concerned about his behavior, and had reached out to mental health professionals who in turn engaged law enforcement. The local sheriff's office sent deputies to Rodger's residence, but concluded they did not have a legal basis to intervene.

"In both of these cases, those closest to the shooters identified dangerous behaviors and took concrete actions to intervene, however their options were limited," said study author Emma (Beth) McGinty, PhD, an assistant professor with the Johns Hopkins Center for Gun Policy and Research. "Both of these men went on to commit horrific acts of [gun violence](#) that potentially could have been avoided."

In March 2013, a group of researchers, clinicians

and advocates (later named the Consortium for Risk-Based Firearm Policy) assembled at the Johns Hopkins Bloomberg School of Public Health to assess the available evidence concerning guns and mental health. After reviewing the policy landscape, the Consortium developed the concept of the GVRO and recommended it as an approach to reducing gun violence.

"Allowing [family members](#) to petition a court for help before a loved one's risk of violence becomes real violence is a tool which should be considered by states seeking to reduce gun violence," Frattaroli says. "GVROs address an important policy gap, which unfortunately doesn't provide many opportunities to intervene before it is too late."

More information: "Gun Violence Restraining Orders: Alternative or Adjunct to Mental Health-Based Restrictions on Firearms?" *Behavioral Sciences and the Law*, 2015.

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