A Risk-Based Approach to Firearm Policy

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Consortium for Risk-Based Firearm Policy Recommendations:

1. Firearm restrictions based on controlled substance misdemeanors
2. Firearm restrictions for temporary domestic violence restraining order respondents
3. Gun Violence Restraining Order (GVRO)
Recommendation: Firearm restrictions based on controlled substance misdemeanors

Temporarily (at least five years) prohibit firearm purchase and possession by individuals convicted of two or more misdemeanor crimes involving a controlled substance in a period of five years.

Note: Federal law prohibits “illegal users of a controlled substance” from purchasing or possessing a firearm.
**Recommendation:** Firearm restrictions based on controlled substance misdemeanors

**Research Evidence:**
Controlled substance use is over-represented in homicide offenders & suicide victims:

- Overall US Population
- US State Prisoners Convicted of Violent Crimes
- US Federal Prisoners Convicted of Violent Crimes
- US Suicide Victims

![Bar chart showing percent using controlled substances](chart.png)
Recommendation: Firearm restrictions based on controlled substance misdemeanors

Research Evidence:

Aggregate measures of controlled substance use are consistently associated with increased risk of interpersonal violence and suicide (Brook 2011, Sussman 2004, Swartout 2010)

- Evidence is mixed for specific substances
- Evidence is not specific to firearm violence
Recommendation: Firearm restrictions based on controlled substance misdemeanors

Research Evidence:

Three main pathways by which controlled substances and violence are related:

1. Physical and psychological effects – cocaine, amphetamines/methamphetamines, PCP, withdrawal from opiates

2. Shared risk factors
   - E.g. Delinquent/violent peer group & alcohol use (interpersonal violence)
   - E.g. Mental illness & alcohol use (suicide)

3. Involvement in illegal drug markets
Recommendation: Firearm restrictions for temporary domestic violence restraining order respondents

Individuals who are subject to temporary domestic violence restraining orders should be prohibited from purchasing and possessing firearms for the duration of the temporary order.
Research Evidence:

- Most victims of intimate partner homicide are killed with a gun (Fox, 2007)

- Temporary phase of DVRO is particularly high-risk time (Campbell, 2003)

- Cities in states with laws prohibiting DVRO respondents from having guns had 25% fewer intimate partner homicides (Zeoli, 2010)
Violent misdemeanors, domestic violence offenses, DWI/DUIs, & misdemeanor convictions involving controlled substances: these risk-based criteria for future firearm violence are all based on criminal convictions.

What about individuals who become dangerous for the first time, and do not meet any of these criteria?
States Should Create a New Tool for Law Enforcement, Family, and Intimate Partners

- Authorize law enforcement to remove guns from any individual who poses an immediate threat of harm to self or others.
- Create a new civil restraining order process to allow private citizens to petition the court to request that guns be temporarily removed from a family member or intimate partner who poses a credible risk of harm to self or others.
- Include due process protections for affected individuals.
Strengths of the GVRO

• Provides a tool for family to intervene during a period of crisis to reduce the risk of harm to self or others.

• Family often identify crises before law enforcement or clinicians have a chance to intervene.

• Jared Loughner’s family:
  • Disabled his car at night
  • Asked him to seek clinical care
  • Took away his gun

*But he was still able to legally purchase a gun and ammunition.*
How does the GVRO work?

• Mirrors current domestic violence restraining order system, present in all 50 states

• Family petitions the court and states their concerns

• If the court finds that intervention is warranted, the court can:
  • Order law enforcement to temporarily remove guns in the respondents’ possession
  • Temporarily prohibit new firearm purchases

• The respondent is guaranteed a full hearing within a short time period (often within days for domestic violence)
*Law Enforcement Emergency Firearm Removal Laws – Connecticut and Indiana*
References


