

97 PERCENT

Empowering Enforcement:

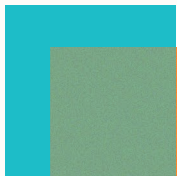
MAXIMIZING RED FLAG LAWS FOR GUN VIOLENCE PREVENTION

Executive Summary ---

Effective enforcement of red flag laws is essential for reducing gun deaths. While these laws are proven tools, recent tragedies have highlighted gaps in their implementation.

Rather than solely advocating for new legislation, our organization will focus on ensuring existing red flag laws are utilized effectively. 97Percent examined the history, prevalence, implementation issues, and best practices associated with red flag laws.

By identifying both shortcomings and successful strategies through a comprehensive assessment and interviews with successful enforcers, we aim to share these best practices, raise awareness, and facilitate improvements in states already equipped with these laws.



Introduction ---

Extreme risk protection orders, more commonly known as red flag laws, enable law enforcement – and in some states, household members, educators, health care providers, and co-workers – to petition a court to remove access to firearms from a person deemed an immediate risk to themselves or others.

Petitioners must present evidence before a judge, who determines whether to issue the order and what the duration of the order will be (typically one year). The subject has the ability to appeal the decision, and the petitioner has the opportunity to request an extension.

In recent years, red flag laws have gained attention as a means of addressing gun-related threats before they escalate into tragedies. However, the effectiveness of these laws varies widely across states. While some jurisdictions have effectively utilized red flag laws, others face obstacles hindering their enforcement.

Background

Initially implemented in Connecticut following the 1998 Connecticut Lottery shooting, red flag laws gained momentum after high-profile tragedies like the Marjory Stoneman Douglas High School shooting in 2018.

With 21 states now adopting these laws — Michigan and Minnesota being the latest states to pass the legislation in 2023 — studies have shown their efficacy in preventing gun-related suicides and mass shootings.

Why focus on red flag laws?

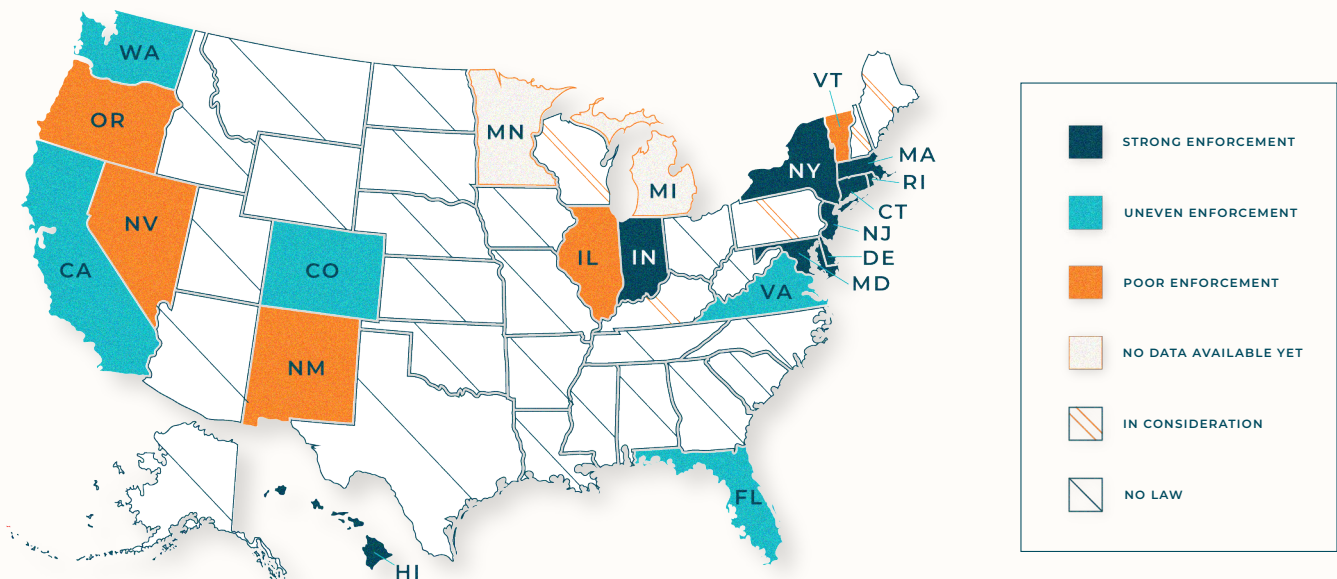
97Percent, dedicated to reducing gun deaths by including gun owners in the solutions, recognizes the importance of red flag laws in meeting those goals.

Our research indicates strong support among gun owners for policies that prevent access to firearms for those at high risk of violence.

Assessment of Enforcement

To assess the effectiveness of red flag law enforcement, 97Percent conducted an audit of the 21 states with red flag laws. Preliminary findings reveal significant variation in enforcement across states and even within states. We discovered several barriers to their implementation, including:

- Lack of awareness and understanding among law enforcement and other potential petitioners due to lack of training and readily available public information.
- Concerns regarding due process and civil liberties, resulting in resistance among some law enforcement officers and elected officials.
- Flaws in the legislation that obstruct the ability to effectively respond to a threat.



Best Practices

While challenges exist, there are also many examples of successful implementation of red flag laws. Two-thirds of the 21 states with existing laws on the books are enforcing them at least reasonably well, with 9 of those states doing a uniformly effective job. Successful enforcement of red flag laws hinges on four key factors: staffing, training, policy, and reporting. Some best practices include:

- Establishing dedicated red flag units, and in some instances, incorporating detectives, city attorneys, and even judges.
- Providing comprehensive training for law enforcement and other stakeholders.
- Legislation that includes a search and seizure warrant, a prohibition on future gun purchases, a clear definition of petitioners, and a mandate that courts be available 24/7 to receive petitions.
- Collaboration between law enforcement, mental health professionals, and community organizations.
- Transparent reporting and monitoring mechanisms made available to the public to track the effectiveness and demystify red flag laws.

BY HIGHLIGHTING SUCCESSFUL MODELS AND IDENTIFYING AREAS FOR IMPROVEMENT, WE AIM TO ENHANCE ENFORCEMENT NATIONWIDE.

Future Activities

Building on our initial assessment, 97Percent will facilitate knowledge-sharing sessions and guide states grappling with enforcement challenges.

Our organization will focus on raising awareness about red flag laws and their importance in preventing gun violence, educating communities about the process of implementing red flag laws and how individuals can take action, and encouraging the reporting of concerning behaviors or threats to law enforcement to utilize red flag laws effectively.

Conclusion

In 2024, 97Percent is committed to maximizing the effectiveness of red flag laws by focusing on enforcement. We will advocate for the comprehensive implementation of existing laws to save more lives.

Gun owners tell us all the time:

“Enforce the laws already on the books.”

It's time to harness the potential of red flag laws and ensure they fulfill their life-saving purpose.