Using Research Evidence to Reframe the Policy Debate Around Mental Illness and Guns: Process and Recommendations

Recent mass shootings have prompted a national dialogue around mental illness and gun policy. To advance an evidence-informed policy agenda on this controversial issue, we formed a consortium of national gun violence prevention and mental health experts. The consortium agreed on a guiding principle for future policy recommendations: restricting firearm access on the basis of certain dangerous behaviors is supported by the evidence; restricting access on the basis of mental illness diagnoses is not. We describe the group’s process and recommendations. (Am J Public Health. 2014; 104:e22–e26. doi:10.2105/AJPH.2014.302171)

IN RECENT YEARS, A SPADE OF mass shootings has prompted a national dialogue about mental illness and gun policy. In many of these shootings—including those at Virginia Tech and in Tucson, Arizona; Aurora, Colorado; Fort Hood, Texas; and Santa Barbara, California—the shooter appears to have had mental illness. In other cases, such as the 2012 Newtown, Connecticut, shooting, the mental health status of the shooter has been unclear. In the aftermath of these highly publicized shootings, policymakers are often faced with conflicting messages not directly informed by research evidence. Many gun violence prevention groups have highlighted the link between mental illness and violence and called for policies to prevent people with mental illness from having guns. By contrast, mental health advocates have often asserted that people with mental illness are no more likely to be violent than other members of the community and that mental illness–focused gun restrictions further stigmatize people with mental illness.1 Faced with these conflicting messages, policymakers have struggled to implement policies to prevent individuals with a history of violent or reckless behavior from accessing firearms.

CONSORTIUM FOR RISK-BASED FIREARM POLICY

The dialogue around mental illness and guns was particularly strong in the months after the December 2012 shooting in Newtown, Connecticut. During this period, it became clear that many gun policy proposals were based on the common assumption that mental illness is an important cause of violence.1 This assumption is counter to the available research evidence, which has shown that the large majority of people with mental illness are never violent and most violence is not caused by mental illness.1,2 In response to this breach between the research evidence and the policy dialogue, in March 2013 we convened a 2-day meeting of the nation’s leading researchers, practitioners, and advocates in gun violence prevention and mental health at the Johns Hopkins Bloomberg School of Public Health (for a list of participants, see the consortium’s reports).3,4 The executive director of the Educational Fund to Stop Gun Violence, a Washington, DC–based advocacy group interested in advancing evidence-based gun policy, led the meeting. The goals of the meeting were to (1) discuss the research evidence on the relationship between mental illness and violence and (2) identify areas of consensus.

Research Evidence Consensus

Approximately 30 stakeholders representing more than 15 organizations attended the initial 2-day meeting in Baltimore, Maryland. Before the meeting, all participants reviewed a set of leading research publications regarding the relationship between mental illness and violence and the effectiveness and unintended consequences (e.g., stigma) of mental illness–focused gun policies. During the meeting, relevant experts gave presentations summarizing the evidence on these same topics. Each presentation was followed by discussion, which was critical given that many participants had no prior experience working together. By the end of the 2-day meeting, the group agreed that the following points were supported by the best available evidence:

1. The large majority of people with mental illness do not engage in violence against others, and most violence is caused by factors (e.g., substance abuse) other than mental illness.
2. At certain times, such as the period surrounding a psychiatric hospitalization or 1st episode of psychosis, small subgroups of individuals with serious mental illness are at elevated risk of violence.
3. Mental illnesses such as depression significantly increase the risk of suicide, which accounts for more than half of gun deaths in the United States each year.

Guiding Principle

On the basis of these consensus points, the consortium agreed on a guiding principle for future...
Policy recommendations: Restricting firearm access on the basis of certain dangerous behaviors is supported by the evidence; restricting access on the basis of mental health diagnoses is not. The consortium concluded that rather than focus primarily on mental health diagnoses, gun violence prevention efforts should focus on preventing access to firearms by people exhibiting dangerous behaviors that are associated with the risk of future violence, such as domestic violence or reckless substance abuse. Given that these risk criteria imperfectly predict violence and can be time-limited, the consortium also concluded that risk-based firearm prohibitions must be balanced with policies that offer a timely opportunity for restoration of firearm rights. All of the recommended firearm prohibitions we describe next are either accompanied by a restoration process or prohibit firearm purchase and possession temporarily.

**Policy Recommendations**

To develop policy recommendations, consortium members self-selected into 4 working groups on the basis of their expertise. Groups drafted recommendations, presented them to the full consortium, and revised them until they reached consensus. Individual firearm ownership is a constitutional right in the United States, and recent Supreme Court rulings limit firearm prohibitions to individuals at clearly heightened risk of committing violence. The consortium used the best available research evidence to align new firearm prohibitions with this constitutional landscape.

First, the consortium recommended several updates to existing federal and state mental illness–focused firearm laws. These updates, which are not the focus of this article (see the consortium’s reports), were based on the conclusions that (1) firearm prohibitions are warranted during an involuntary hospitalization and for a reasonable period after discharge, when individuals are at risk for relapse, and (2) people with mental illness should have an opportunity to seek restoration of their firearm rights if the evidence shows they have been adhering to treatment and are no longer at elevated risk of suicide or violence toward others as a result of mental illness. The consortium then recommended 2 new categories of firearm policies, both focused on preventing access to firearms by people exhibiting dangerous behaviors associated with risk of future violence:

- **Recommendation 1**: Enact new prohibitions on individuals’ ability to purchase and possess firearms on the basis of presence of evidence-informed risk factors for violence. The consortium recommends that people meeting specific evidence-informed criteria for risk of future violence be prohibited from purchasing or possessing firearms. These criteria could be added to either federal or state law (Table 1).
- **Recommendation 2**: Develop new mechanisms to remove firearms from individuals who pose a serious risk of harm to self or others. Some people at high risk of committing violence will exhibit dangerous behavior but not meet existing criteria for a firearm prohibition. The consortium therefore recommends introducing 2 new mechanisms to remove firearms from individuals who pose a serious risk of harm to self or others. Because law enforcement policies and procedures are jurisdiction-specific, mechanisms should be implemented at the state level (Table 2).

**TRANSLATING RECOMMENDATIONS INTO POLICY**

The Educational Fund to Stop Gun Violence, which championed the initial formation of the consortium, also led efforts to disseminate the group’s recommendations to policymakers. Policy recommendations were disseminated through a symposium at the University of Virginia (November 2013) and a briefing on Capitol Hill (December 2013). In 2014, the Educational Fund to Stop Gun Violence has organized additional briefings for legislators and is providing ongoing technical assistance to state and federal policymakers interested in implementing the consortium’s recommendations.

**LIMITATIONS**

The consortium’s recommendations are based on the best available research evidence, but important gaps in this evidence exist. Although the evidence has shown that individuals subject to temporary domestic violence restraining orders or convicted multiple times for driving while intoxicated or under the influence or for misdemeanor crimes involving controlled substances are at heightened risk of violence, the efficacy of firearm prohibitions targeting these groups has not been evaluated. The research evidence has clearly shown that the risk factors identified by the consortium imperfectly predict future violence and can be time-limited, suggesting that firearm prohibitions should be temporary or include restoration processes.

However, the effects of firearm restoration processes and specific prohibitory periods (e.g., 5 vs 10 years) on gun violence have not been studied. Rigorous evaluation of the consortium’s recommendations—some of which are already being implemented in multiple states (Tables 1 and 2)—is needed.

**CONCLUSIONS**

The process we have outlined is a potential model for the development of evidence-informed policy recommendations around highly politicized, controversial issues. The consortium’s experience suggests several key lessons. First, having a respected champion such as the executive director of the Educational Fund to Stop Gun Violence proved critical in bringing together diverse stakeholders with no prior experience working together who held varied (and sometimes conflicting) views about the issue at hand. Second, framing the goal of the initial process as coming to consensus on the evidence rather than immediately focusing on policy recommendations provided a key opportunity for stakeholders to learn from each other without the pressure to advocate for the policy options that they were predisposed to support. Third, beginning the policy development process with a guiding principle that the entire group agreed on proved invaluable in obtaining consortium members’ buy-in to the process and support for the final recommendations.

The recommendations put forth by the Consortium for Risk-Based Firearm Policy provide a blueprint for strengthening federal and state firearm policies by expanding firearm prohibitions to encompass groups that the research evidence
TABLE 1—Recommended Prohibitions on Individuals’ Ability to Purchase and Possess Firearms on the Basis of Presence of Evidence-Informed Risk Factors for Violence

<table>
<thead>
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<td>1.1: Individuals convicted of a violent misdemeanor should be prohibited from purchasing or possessing firearms for 10 years. Misdemeanor convictions involving the use of a deadly weapon, use of force, threat of force, or stalking are included in this prohibition.</td>
<td>Individuals convicted of violent misdemeanors are at increased risk of future violent crimes, and laws to prevent firearm access among this group have been shown to reduce gun violence: California’s law prohibiting firearm ownership among violent misdemeanants resulted in reduced arrest rates for violent crime.</td>
<td>Federal law prohibits individuals convicted of domestic violence misdemeanors from purchasing and possessing guns, and 23 states and the District of Columbia prohibit firearm purchase and possession based on 1 or more violent misdemeanor crimes.</td>
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<td>1.2: 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.</td>
<td>Most victims of intimate partner homicide are killed with a gun, and the research clearly shows an increased risk of homicide when an abuser has a firearm. Furthermore, cities in states with laws prohibiting respondents to domestic violence restraining orders from purchasing or possessing guns had 25% fewer firearm-related intimate partner homicides. In most states, temporary orders—which occur in the absence of the respondent—are the first step in the domestic violence restraining order process. The period encompassed by the temporary order—often immediately following initiation of separation in violent relationships—is particularly dangerous.</td>
<td>Federal law prohibits firearm possession among respondents to full, but not temporary orders. At least 19 states prohibit firearm purchase and possession by respondents to temporary restraining orders.</td>
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<td>1.3: Individuals convicted of 2 or more DWI or DUIS in a period of 5 years should be prohibited from purchasing or possessing firearms for at least 5 years.</td>
<td>Alcohol abuse is consistently associated with violence toward self and others, and individuals with multiple DUI arrests are at significantly higher risk of committing other misdemeanor and felony crimes.</td>
<td>There is no federal firearm prohibition related to alcohol abuse. Although some states prohibit firearm purchase and possession among alcohol abusers, most definitions do not clearly define abuse and are therefore difficult to implement. For example, states have prohibitions against “habitual drunkards,” “alcohol abusers,” or “alcoholics,” which are not defined in statutory or administrative law. Using DWI and DUI convictions as the criteria for firearm prohibition is evidence-informed and straightforward to implement. Pennsylvania and the District of Columbia have firearm prohibitions for people convicted of multiple DWI or DUIS.</td>
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<td>1.4: Individuals convicted of 2 or more misdemeanor crimes involving controlled substances in a 5-year period should be prohibited from purchasing or possessing firearms for at least 5 years.</td>
<td>Illegal use of controlled substances is consistently associated with heightened risk of violence. The physical and psychological effects of controlled substances, including agitation and cognitive impairment, can heighten the risk for violent behavior. In addition, involvement in illicit drug markets is strongly associated with violence.</td>
<td>Federal law currently prohibits illegal users of a controlled substance from purchasing or possessing a firearm, although the prohibition is poorly defined, and many states report confusion about who is prohibited. Use of misdemeanor convictions as the criteria for firearm prohibition will improve the feasibility of implementation. Virginia has a firearm prohibition for people convicted of multiple misdemeanor drug crimes.</td>
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Note. DUI = driving under the influence; DWI = driving while intoxicated.
Police and sheriff's officers regularly respond to crises and in these contexts routinely assess whether people pose a threat and use strategies to minimize threats. Currently, however, law enforcement officers in most states are unable to remove firearms from individuals posing an immediate threat to themselves or others. In addition, when law enforcement agencies receive information from members of the public that a family member poses a risk of harm to self or others, they have little recourse to avert harm. When private citizens believe a family member or intimate partner poses a credible risk of harm to self or others, they often contact law enforcement. To date, however, law enforcement has little ability to remove firearms from the person in question. The consortium therefore recommends creating a new civil restraining order process that mirrors the domestic violence restraining order process in most states. Prior research has shown that state policies limiting domestic violence restraining order respondents’ access to firearms are associated with fewer domestic violence homicides in general and fewer domestic violence gun homicides in particular.¹⁰

Due process protections and gun return provisions for recommendations 2.1 and 2.2. For recommendations 2.1 and 2.2, the consortium recommends inclusion of due process protections for affected individuals. Specifically, provide respondents with an opportunity to participate in a hearing after having guns removed by law enforcement (2.1) or through the gun violence restraining order process (2.2) and assure processes are in place for returning all removed guns at the conclusion of the temporary prohibitions.

TABLE 2—Recommended Mechanisms to Remove Firearms From Individuals Who Pose a Serious Risk of Harm to Self or Others

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<td>2.1: Develop a mechanism to allow law enforcement officers to remove firearms when they identify someone who poses a threat to themselves or others. The mechanism should allow for removal without a warrant in the case of immediate threat and removal with a warrant in the case of a credible but not immediate threat to self or others.</td>
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<td>Connecticut and Indiana each provide a process for law enforcement to assess whether an individual poses an imminent danger and whether the interests of public safety warrant a prohibition on the purchase and possession of firearms. In Connecticut, law enforcement can request a warrant for firearm removal after conducting an investigation into the threat. In Indiana, police can remove guns without a warrant from an individual they identify as an immediate and substantial threat but must complete a written report justifying the gun removal within 48 hours and participate in a hearing. To date, no states have implemented gun violence restraining orders. In May 2014, legislation to enact a gun violence restraining order mechanism was introduced in the California legislature (California Assembly Bill 1014). In June 2014, a bill to provide funding to states as an incentive to develop gun violence restraining orders was introduced in the US Senate (Pause for Safety Act).</td>
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2.2: Create a civil restraining order process (gun violence restraining order) to provide family and intimate partners with a civil mechanism to temporarily prohibit the purchase of firearms and remove firearms already in possession when a family member or partner is in crisis and acting in a dangerous manner. | Connecticut and Indiana each provide a process for law enforcement to assess whether an individual poses an imminent danger and whether the interests of public safety warrant a prohibition on the purchase and possession of firearms. In Connecticut, law enforcement can request a warrant for firearm removal after conducting an investigation into the threat. In Indiana, police can remove guns without a warrant from an individual they identify as an immediate and substantial threat but must complete a written report justifying the gun removal within 48 hours and participate in a hearing. To date, no states have implemented gun violence restraining orders. In May 2014, legislation to enact a gun violence restraining order mechanism was introduced in the California legislature (California Assembly Bill 1014). In June 2014, a bill to provide funding to states as an incentive to develop gun violence restraining orders was introduced in the US Senate (Pause for Safety Act). | Connecticut and Indiana each provide a process for law enforcement to assess whether an individual poses an imminent danger and whether the interests of public safety warrant a prohibition on the purchase and possession of firearms. In Connecticut, law enforcement can request a warrant for firearm removal after conducting an investigation into the threat. In Indiana, police can remove guns without a warrant from an individual they identify as an immediate and substantial threat but must complete a written report justifying the gun removal within 48 hours and participate in a hearing. To date, no states have implemented gun violence restraining orders. In May 2014, legislation to enact a gun violence restraining order mechanism was introduced in the California legislature (California Assembly Bill 1014). In June 2014, a bill to provide funding to states as an incentive to develop gun violence restraining orders was introduced in the US Senate (Pause for Safety Act). |

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Contributors
All authors served as core members of the Consortium for Risk-Based Firearm Policy and contributed to the development of the recommendations described in this article. E. E. McGinty drafted the article, and all authors contributed to the development of the recommendations and writing of this article. All authors contributed to the development and writing of the recommendations and prepared this article.
provided substantial revisions and approved the final version.

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References