

Posted 12/5/18

RED FLAG AT HALF MAST (PART II)

Preventing more than suicide may carry serious risks

By Julius (Jay) Wachtel. State and Federal laws [generally prohibit gun possession](#) by the adjudicated mentally ill and by subjects of a domestic violence restraining order. According to [a nationally-representative survey](#) of 5,653 persons 18 and older, about 10½ percent of the adult population self-reports substantial “anger traits” and keeps guns at home, while about 1.6 percent self-reports such traits and carries a gun (those required to do so by their job were excluded.) However, only a very small slice of this problematic group – 13.2 percent of the angry, gun-at-home cohort and only 16.3 percent of the angry gun-packers – has been hospitalized for a mental health problem, thus automatically denying them the right to have guns. It’s their far greater number of non-adjudicated, gun-possessing peers that “Red Flag” laws are meant to address.

Unlike Red Flag laws that simply command alleged possessors to give up their guns (if needed, search warrants must be separately obtained), [Connecticut’s](#) statute, which was first out of the gate in 1999, directs officers to conduct a search and seize the guns they find. It was at first applied sparsely, generating about 20 seizure orders a year. But its use jumped after the [2007 Virginia Tech massacre](#), with 100 warrants in 2011, 139 in 2012, 183 for the full year 2013, [and 150 or more during each subsequent year through 2017](#).

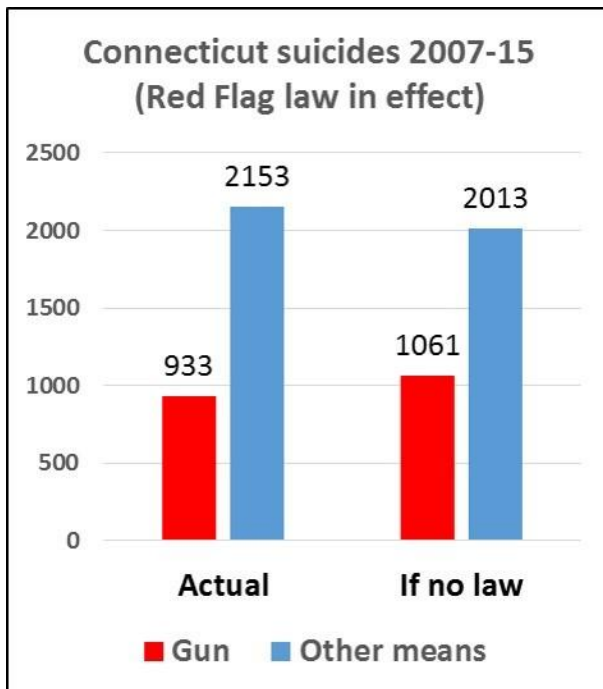
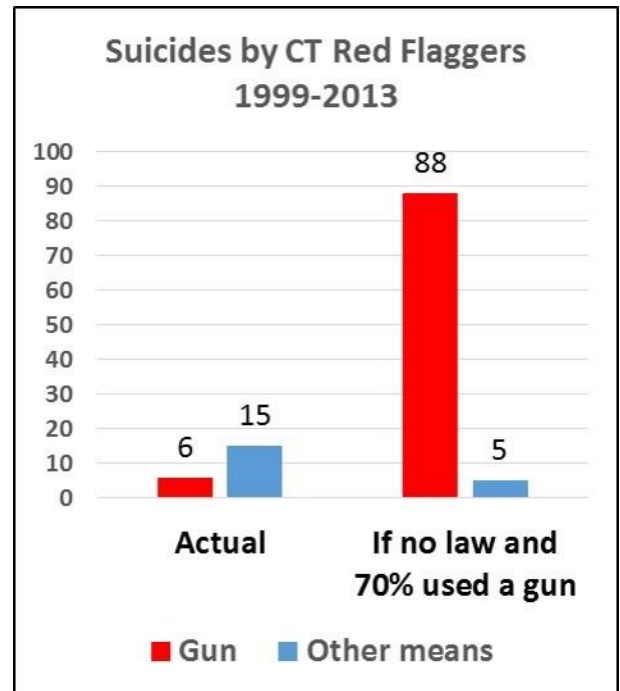
A study published in [Law and Contemporary Problems](#) examined the statute’s effects between its enactment and June, 2013. During this period judges issued 762 Red Flag warrants. Twenty-one of the named defendants subsequently committed suicide, six by gun and fifteen by other means (e.g., pills).

What did the law accomplish? Persons served with warrants who thereafter committed suicide were less likely to do so with guns (6/21, 29 percent) than adults of the same gender in the general population (35 percent), and far less often than gun owners (65 percent.) Applying what’s known about the efficacy of suicide methods, researchers estimated that Red Flaggers attempted suicide 142 times post-seizure, seven times with a gun and 135 times by other means. After an elaborate process, the authors concluded that one life was saved for every ten to twenty seizures. Computations that led to the less effective estimate (1/20) were based on the suicidal inclinations of Connecticut gun owners at large, while the other extreme (1/10) reflected the fact that

Red Flaggers were at special risk, with a suicide rate forty times that of the general population.

Guns are a particularly effective means of killing oneself, so the law's deterrent effect on gun slinging seems a good thing. Just how good was it? Had members of the group *not* been "flagged," retaining their access to firearms and lethal inclinations, they might have turned to guns in, say, seventy percent of suicide attempts. If so, there would have been eighty-two additional gun deaths and ten fewer by other means, yielding a total of ninety-three fatalities instead of twenty-one.

Psychiatric Services ([abstract online](#)) recently published a study that analyzed the effectiveness of Red Flag laws in Connecticut and Indiana. Using a quasi-experimental approach, it compared their post-enactment suicides to control groups of non-Red Flag law states whose pre-law characteristics were weighted to provide a close initial match.

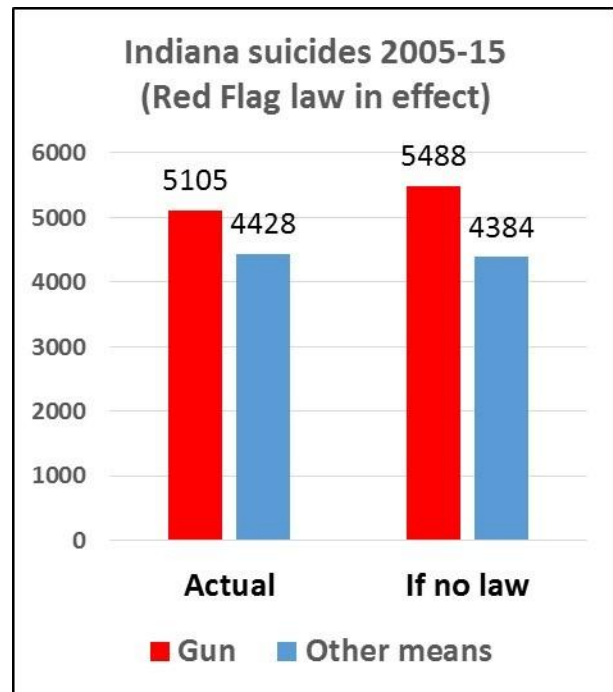


As we mentioned in [Part I](#), Connecticut's unique [Red Flag law](#) authorizes search and seizure. Its effect on suicide was separately computed for two periods: enactment to 2007 and 2007 to 2015, when enforcement sharply increased because of the [Virginia Tech massacre](#). For the first period, the authors reported 1.6 percent fewer firearm suicides than the control group but 5.7 percent more suicides by other means. For the second period the corresponding figures were a 13.7 decrease (matched by few control states) and a 6.5 percent increase (common among the control states). Compared to the controls, the authors estimated that during 2007-2015, when Connecticut suffered 3086 suicides, 933 by gun and 2153 by other

means, its Red Flag law prevented 128 of the former but caused 140 of the latter, increasing the overall toll by twelve, or about .4 percent ($3086-12/12 \times 100$).

Indiana's Red Flag approach (also reported in [Part I](#)) is more conventional. Its gun to non-gun displacement effect also seemed far milder than Connecticut's. During a ten-year post-law period (2005-2015) the state suffered 9533 suicides, 5105 by gun and 4428 by other means. Compared to the control group, its Red Flag law reportedly prevented 383 gun suicides while causing 44 non-gun suicides, yielding a net decrease of 339 suicides, or about 3.4 percent ($9533+339/339 \times 100$).

In all, the study praised the tendency of Red Flag laws to reduce gun suicides but warned of increases in non-gun suicides, which seemed particularly pronounced in Connecticut.



Alas, what Red Flag laws can't seem to extinguish is the urge to kill oneself. When deeply troubled persons want to commit suicide, discouraging their access to firearms is not an effective long-term solution. In any event, suicide isn't what these laws were originally intended to prevent. From the very beginning their avowed purpose has been to stamp out the scourge of mass killings that have shaken America to the core.

Yet Red Flaggers aren't your archetypical criminal. Convicted felons and some categories of violent misdemeanants, including those convicted of domestic violence or subject to a domestic violence protective order, [are already prohibited](#) from having guns by state and/or Federal laws. Same goes for persons [who have been formally adjudicated](#) as mentally defective (click [here](#) for a Federal gun law summary then scroll down for the state law chart.) Red Flaggers, on the other hand, are neither fully "criminal" nor fully "crazy." Indeed, their marginal status is precisely why gun seizure laws have come to be. And while the process is conceptually simpler than civil commitment, what's required to use these "obscure" laws may be [far from trivial](#):

Do I think [the law] when it was written, when it was drafted, and how it had been utilized pre-Sandy Hook—was effective? No, I don't believe it was effective. Why? It was an obscure statute. It was something that was labor-intensive. It was

POLICEISSUES.ORG

something that required an affiant, a co-affiant, supervisor's review, State's attorney's office review, and approval and a judge's signature and then, of course, execution on that warrant....(p. 196)

That sentiment, expressed by a former cop, was ridiculed by a police "administrator" who insisted what the entire Red Flag process could be easily accomplished "within a few hours' time":

I mean, most of it is a [three to five] line narrative. You know, "We got a report of a guy wanted to commit suicide. I showed up, he was sitting in the corner with a loaded .357. He said to me, he wanted to commit suicide. I talked to him and he put it down...." The judge's phone rings at two o'clock in the morning, it's us, and one of us drives over there with a warrant. He reviews it, signs off on the bottom of it, we go back and we take all the guns. In the meantime, officers are sitting at the location where all the guns are, and securing it...We get the warrant signed, we go back to the house and we collect everything related to the gun....

These words perplexed your blogger, who spent more than a few hours on the street (albeit, in pre-Red Flag days.) Tying up a beat for hours may be theoretically possible in some places, on a very slow day. One can't imagine trying to do it in smaller cities, where an entire "shift" might mean three cops, or in larger jurisdictions when there's been a shooting or other violent crime and calls are coming in.

There's an even more vexing issue, which neither journal article probed. Prompted by the June 28 [murder of five employees](#) at an Annapolis newspaper, Maryland enacted a Red Flag law, which took effect on October 1. As we mentioned in [Part I](#), on November 5, in the same Maryland county, an officer shot and killed the subject of a seizure order who got into a wrestling match with the cop's partner over a gun.

Stirring up potentially dangerous people is, well, potentially dangerous. Yet Red Flag laws may never meet their goal of preventing a mass shooting unless their use is vastly expanded. But doing it legally *and* safely calls for robust levels of police staffing, with tactical units readily available to lend a practiced hand. Even then, the environment in which cops work is notoriously [chaotic](#). No matter the precautions, crank things up and someone *will* get hurt, or worse, and sooner rather than later. Red Flag laws may be "obscure" for a very good reason.

UPDATES ([RED FLAG](#) AND [RED FLAG II](#))

[7/30/25](#) A three-judge Fourth Circuit panel unanimously upheld the Federal law that prohibits persons who have been committed to a mental institution from having guns.

POLICEISSUES.ORG

In its view, barring potentially dangerous persons from possessing firearms comports with the Supreme Court's *Bruen* decision, which requires that gun laws be supported by historical tradition. According to Judge Albert Diaz, the "categorical disarmament of groups of people" - including those thought dangerous - was permissible all the way back to Colonial times.

6/27/25 Texas is one of 29 states [without a "Red Flag" law](#). Such laws authorize judges, on application from police or family members, to issue "Extreme Risk Protection Orders" that direct the seizure of firearms from allegedly dangerous persons. [A new Texas law](#) forbids localities from adopting such laws, and makes it a felony for officials to act on them. It also bars judges from ordering that guns be seized except in criminal cases or in family law matters where a protective order is in effect.

6/17/25 Residents of Colorado, Delaware, Utah, Virginia and Washington who fear they might harm themselves can petition to have their rights to buy and possess guns suspended. Known as "[Donna's Law](#)," these statutes have been praised for preventing impulsive suicides. Their provisions cannot be invoked by the Government or third parties: only the potential victim can apply. But opposition from the NRA and the gun industry is frustrating efforts to expand the law's geographical reach.

6/12/25 An academic study examined a national sample of 288,250 firearm homicides and 450,956 firearm suicides between 1998-2020 to determine whether States with Extreme Risk Protection Orders had better outcomes. Its findings, just published in *Journal of Preventive Medicine*, revealed that suicides were significantly reduced in States where health professionals could request orders, and particularly for White persons. Homicides were significantly reduced in States where family members could request ERPO's, and this effect was most pronounced when victims were Black.

2/24/25 Minnesota's "Red Flag Law" enables police and family members to petition the courts to issue extreme risk protection orders (ERPO's) to disarm persons who are at grave risk of harming themselves or others. It's been in effect one year, and two academics feel that it's working as intended. Most of the 135 petitions - about 70 percent - were obtained by police. Eighty-plus percent of subjects were White males, average age 40. More than half "had a history of suicidality," and nearly half had documented mental health problems. Thirty-six percent of petitions stemmed from a domestic violence incident, and in 29 percent police moved in to prevent "a potential murder-suicide." [Minn. ERPO website](#)

12/17/24 In January 2019 Zephen Xaver, 21, entered a Florida bank, ordered four employees and a customer to lie on the floor, then shot them in the head. Xaver had

POLICEISSUES.ORG

frequently messaged and spoken about going on a killing spree, and his mental problems led to his discharge from the Army after only three months. He was then hired as a prison guard trainee, but he quit that position in two months, one day after buying his gun. Two weeks later came the massacre. Jurors in his recent penalty trial recommended the death penalty, and that's what a judge just imposed. (See 1/25/19 update.)

11/4/24 On October 14, 2022 Orlando Harris, 19, opened fire with an AR-15 style rifle inside a St. Louis high school, killing two and wounding seven. Officers ultimately shot him dead. According to a new report the youth, who had once attempted suicide, bought the gun from a private party. His parents took the gun, an armored vest and other items to police. But Missouri didn't have a "Red Flag" law that facilitates seizing guns in advance. So police told the parents to secure the items. They tried, but Harris nonetheless got them. Missouri still lacks a Red Flag law.

4/18/24 Inspired by the Lewiston mass shooting, Maine's legislature approved a "sweeping" gun-control bill that imposes a 72-hour wait on gun purchases, bans bump stocks, requires criminal record checks for private gun sales, and makes it a crime to "recklessly" transfer a gun to a prohibited person. But while the State's "Yellow Flag" law was strengthened, a proposed "Red Flag" measure that would allow family members (not just police) to petition for gun seizures was not included.

3/25/24 Johns Hopkins U. and DOJ have established the "National Extreme Risk Protection Order Resource Center". Its purpose is to advise and help train law enforcement officers, prosecutors, judges, clinicians and other service providers in the use of ERPO ("Red Flag") laws, which authorize courts to issue orders directing the seizure of firearms from dangerous persons. [Website](#)

1/12/24 Robert Card, the military reservist who murdered eighteen persons at a Lewiston, Maine bowling alley and bar last October, had well-known mental health issues. About a month before the massacre, a fellow reservist told their superior that "I believe he's going to snap and do a mass shooting." Months earlier, relatives had told police that Card was "paranoid" and shouldn't be around guns. Last year, his odd behavior led military authorities to place Card in a psychiatric ward for two weeks. He was also barred from handling firearms while on duty. Local sheriff's deputies, though, said there wasn't enough to activate the state's "yellow flag" law and get a court order to bring Card in for a hearing. (See below update)

10/27/23 Including the recent massacre in Lewiston, Maine, the U.S. has suffered 28 mass killings during the past six months, leaving 140 innocent persons dead. According

POLICEISSUES.ORG

to the [AP/USA Today/NE University database](#), which defines mass killings as violent attacks by guns or other means where four or more persons other than the killer died within 24 hrs., that's a record high. [Maine's gun laws are considered weak](#). It does not prohibit assault weapons or large-capacity magazines. Responding to mass shootings, it passed a "Yellow Flag" law four years ago, allowing police to seek a court order to detain a seemingly dangerous person, but only after a medical practitioner has declared them of unsound mind. (See above update)

7/24/23 Huu Can Tran, the 72-year old man who opened fire in a Monterey Park, Calif. dance studio in January, killing eleven and wounding nine, had reportedly sent a "manifesto" to the FBI days before the massacre. Its contents have not been released. Tran had also recently complained to police that his family "defrauded and tried to poison him." House members have since introduced Federal bills to fund local efforts to increase awareness of Red Flag laws, including by families that are not English-proficient.

7/10/23 According to his roommates, Kimbrady Carriker routinely wore an armored vest and was agitated and acting abnormally in the days before he opened fire on the streets of Philadelphia's distressed Kingsessing neighborhood. Their solution was to keep out of his way. While attired in his vest, Carriker had also recently introduced himself as a "town watchman" to a neighbor. Pennsylvania does not presently have a "Red Flag Law"; a bill to bring one into effect [is pending in the Senate](#).

7/3/23 A tripling in the number of applications for firearms restraining orders (i.e., "red flag laws") and a doubling in citizen submissions of "clear and present danger" reports to police have followed on last year's Fourth of July massacre in Highland Park, Illinois. According to the State Police director, widespread awareness of these options has increased their use. But Illinois' use of red flag laws still lags, and moves are afoot to strengthen their provisions and encourage their use.

6/5/23 Tennessee does not have a "Red Flag" law. And Governor Bill Lee insists that his proposal, drafted in response to the March 27 massacre at Nashville's Covenant Christian School, isn't one. Still, it's intended "to address unstable individuals who suffer from mental health issues but do not qualify for involuntary commitment to a facility." Governor Lee characterized NRA's opposition to the measure as an endorsement of involuntary commitment, which he feels is far more invasive of privacy.

5/8/23 One year ago, soon after her release from a psychiatric hospital, the deeply troubled 21-year old daughter of a Michigan couple purchased a pistol. Days later she murdered her boyfriend and her brother, then committed suicide. Her parents had

POLICEISSUES.ORG

asked police to take their daughter's guns, but they refused because of "her Second Amendment right." Michigan is now set to pass a Red Flag law to facilitate gun seizures from the mentally disturbed. But "over half" the state's counties say they are 2nd. Amendment "sanctuaries," and sheriffs have warned that Red Flag laws would be ignored.

5/1/23 With a legacy of gun massacres, including the 2022 shooting at "Club Q" that killed five, the 2012 Aurora theater massacre, where 12 were killed, and the 1999 Columbine High School attack, which left 15 dead, Colorado Governor Jared Polis signed new laws that increase the minimum age to buy a gun to 21, create a 3-day waiting period, expand the roster of who may petition under the state's Red Flag law, and ease the path for suing the gun industry. Naturally, each measure is already under challenge.

3/15/23 President Biden's March 14 "Executive Order on Reducing Gun Violence and Making Our Communities Safer" directs the Attorney General to take steps to assure that gun dealers comply with Federal firearms laws, that background checks are properly performed on all gun sales, and that "rogue" licensees are weeded out and kept from returning to the gun business. His order also addresses "modernizing" the definition of "ghost guns" and expanding State and local use of "Red Flag" laws.

2/15/23 DOJ has allocated over \$200 million to help States establish and run programs that allow family members, police and others to petition courts to issue "extreme risk protection orders" (ERPO's) that authorize police to seize guns from persons who may be a danger to themselves or others. These funds can also be used for mental health initiatives that are intended to prevent gun violence.

12/17/22 In 2021 a Colorado judge dismissed kidnapping charges against Anderson Aldrich, who recently committed the "Club Q" massacre, because the victims, his grandparents, stopped cooperating. But the judge spoke about Aldrich's mental illness, affinity for guns and history of making threats and warned that without treatment, "it's going to be so bad."

12/9/22 One day before Anderson Aldrich's family called police about his bomb threat, [his grandparents alerted the FBI](#) about his "homicidal threats." While the FBI opened an investigation, it dropped it after local authorities charged Aldrich with menacing and kidnapping. [Those charges, though, were also ultimately dropped.](#) Police say that family members refused to cooperate and avoided subpoenas. "At the end of the day, they weren't going to testify against Andy," said a neighbor.

POLICEISSUES.ORG

11/21/22 Late Saturday night, November 19, Colorado Springs-area resident Anderson Lee Aldrich, 22, burst into a local gay nightclub and opened fire with an AR-15 style rifle, killing five and injuring two dozen. A patron quickly subdued him. [Last June deputies responded](#) to a call by Aldrich's mother, who said her son was threatening her with a homemade bomb. Aldrich was arrested, but no bomb was found and no charges were filed. El Paso County, where the incident occurred, has declared itself a "Second Amendment sanctuary" and passed a 2019 resolution criticizing Colorado's Red Flag law. [AP analysis](#)

9/3/22 A major AP study reveals that Red Flag orders requiring risky persons to surrender their guns are used sparingly. About 15,000 such orders have been issued in nineteen states and D.C. since 2020. But even in Florida, which leads the pack in their use, they are mostly issued in a select few jurisdictions where they hold political appeal. Examples abound of where they could have been used but weren't. One is Brandon Hole, who bragged that "they don't have a flag on me" before buying the AR-15 rifles he would use to murder his co-workers in an Indianapolis warehouse.

8/23/22 Many experts dispute the notion that mental illness is a useful predictor of one's propensity to commit a mass shooting. Many persons suffer from mental problems, but there is no test that can weed out who might become a killer. Some shooters didn't evidence prior mental distress, while others who did either failed to draw official attention or didn't meet the requirements of "Red Flag" laws. One approach is to concentrate on persons who are suffering from a "life crisis." [NIJ pamphlet on school shootings](#)

8/9/22 Authorities don't think that the circumstances that brought Robert Crimo to police attention three years before the Highland Park massacre would have merited a restraining order. After all, Crimo didn't then have any guns. His family could have sought one, but they apparently didn't know about the option. Still, Illinois lags behind other States in the use of restraining orders, and training and outreach efforts are underway to promote their use.

7/10/22 In Illinois, loopholes are being blamed for the acquisition of guns by dangerous persons. Robert Crimo III, the Highland Park shooter, had threatened family members. But he had not yet acquired guns and State officers disagreed he warranted being disqualified. So when he later applied for a gun permit there was no entry in the system to stop him. Three years earlier another mass shooter, Gary Martin, was cleared to buy guns despite a felony conviction because his name check went astray. Two months later, when the problem was discovered, his local police department failed to follow up and seize his gun.

POLICEISSUES.ORG

7/2/22 Officers attempting to serve an emergency protection order in rural Kentucky were met with a barrage of gunfire as they approached the subject's home. Six were wounded, three fatally. Lance P. Storz, 49, who allegedly raped the woman who sought the order, was reportedly lying in wait for police with a rifle and other firearms. He eventually surrendered. His town of residence, Allen, Kentucky, is too small to have a police force, so officers from nearby agencies were involved. (Note: [Storz committed suicide](#) while jailed.)

6/10/22 On a party-line vote, House members passed a Federal "Red Flag" law that would apply nationwide. It authorizes Federal courts to order the immediate seizure of guns from persons thought by family members or police to pose an extreme risk. Hearings would come later. Criticized by the "Reds" as overreach, this response to the Uvalde school massacre is thought to have no chance for enactment.

6/7/22 In the wake of the Buffalo massacre, NY Gov. Kathy Hochul signed [a package of ten gun-control laws](#). All semi-automatic rifles must be licensed and may only be bought and possessed by persons twenty-one or older. Body armor may only be sold to police and security personnel, the Red Flag system was strengthened, and new guns must be micro-stamped to help link them to recovered cartridges.

5/19/22 In response to the Buffalo massacre, New York Governor Kathy Hochul [issued an executive order](#) directing that State Police seek an extreme risk protection order barring persons from gun possession "when there is probable cause to believe the respondent is likely to engage in conduct that would result in serious harm to himself, herself, or others." [She also directed](#) that State Police form a counterterrorism team that would, among other things, analyze social media posts for potential threats.

5/17/22 [Buffalo shooter Payton Gendron](#) began posting his plans and intentions in November 2021 on [Discord](#), an online chat application. His screen name was Jimboboiiii. One message explained that he avoided being flagged and losing his gun rights after being taken in for the mental health check by insisting to the authorities that his "murder-suicide" comment had been a joke. But it wasn't - "I wrote that down because that's what I was planning to do."

4/8/22 Police in Roseville, a prosperous city of about 35,000 on the outskirts of Minneapolis, were called to a neighborhood where a middle-aged man "with a history of mental health-related calls" (there had been *fifteen*) was peppering homes with volleys of rifle fire. Police engaged the man in a running gun battle and ultimately shot him dead. One officer suffered a nonfatal gunshot wound to the face.

POLICEISSUES.ORG

2/2/22 Boulder (CO) police arrested a California man who reportedly threatened violence against a local school. Matthew Harris, 31, was the subject of a June 2021 workplace violence restraining order issued by a Los Angeles judge after the one-time university philosophy lecturer threatened a co-worker. Harris's behavior got him fired. He then distributed an "800-page manifesto" replete with references to "homicidal violence including at school settings." [Harris tried to buy a gun](#) at a Boulder-area store in November but was turned away because the restraining order came up during his background check.

8/3/21 In response to a 2019 mass shooting that killed five persons and wounded six, including five police officers (see 2/16/19 update) Illinois enacted a law that directs State police to confiscate firearms from persons whose State firearms ID cards have been revoked, say, due to a felony conviction, but may still have guns. Background checks for private party gun sales will also be required beginning in 2024.

7/3/21 Ian David Long, the Borderline Bar shooter, reportedly suffered from PTSD brought on by his experiences as a Marine Corps gunner in Afghanistan. He was reportedly haunted by the image of bodies and was obsessed with death and violence. Investigators believe he took revenge at the bar's "country college night" because fellow students at Cal State Northridge had "disrespected" his military service.

5/18/21 In [Caniglia V. Strom](#) (no. 20-157, 5/17/21) the Supreme Court ruled that police must have a warrant to enter a residence and seize a reportedly suicidal person's firearms. In this case officers were summoned by a woman who reported that her husband threatened to kill himself with a gun. He agreed to go to the hospital but refused to give up his weapons. But after he left the officers went in and took them. That, the Justices unanimously held, exceeds the scope of the police "caretaking" function.

5/7/21 Although the FBI and police took away his shotgun last year because of his odd behavior, Brandon Hole went on to legally purchase the two AR-15 style rifles - a Ruger AR-556 and an HM Defense HM15F - that he used in the [April 15 FedEx massacre](#). Indianapolis' prosecutor [said he didn't then pursue his state's "Red Flag" law](#) because his office did not have the time and resources to comply with the procedure's stiff requirements. A local judge has now ordered the prosecutor to refer all such cases submitted by police. Presumably that will include the forty-five officers sent in so far this year.

5/1/21 "They were just kind of giving us a heads up, 'This is what he's thinking about doing.'" That's how North Carolina Sheriff Len Hagamana characterized recent warnings about Isaac Alton Barnes, 32, a well-armed resident of Boone whom neighbors feared was getting set to explode. But nothing was done, and on April 28 he did. Barnes' shooting rampage took the lives of his mother and stepfather and two deputies. He committed suicide.

POLICEISSUES.ORG

4/10/21 Attorney General Merrick B. Garland announced four initiatives to fight the increase of gun violence: (1) An updated ATF study of firearms trafficking that addresses new technologies, such as 3D printers, that allow persons to make guns at home; (2) a regulatory fix that imposes background check and other requirements on the sale of kits that consumers use to assemble unserialized “ghost guns”; (3) another regulatory fix that essentially prohibits the use of commercially-available “braces” to transform pistols into short-barreled rifles; (4) crafting of model protective order legislation to encourage more States to adopt Red Flag laws.

3/25/21 During an argument with his wife a Rhode Island man brought out a gun and asked her to shoot him. She fled and returned the next day with police. While the man agreed to go in for an evaluation, he didn’t consent to have two guns seized. But police did so after he left, and only returned them months later when pressed by his lawyer. He sued over the warrantless search, but Federal courts upheld it under the “community caretaking” exception, which has been applied to vehicles. Whether it extends to one’s home will now be decided by the Supreme Court. (*Caniglia v. Strom*, no. 20-157.)

1/21/21 A Chicago man who had posted numerous “disturbing” videos on Facebook, including rants in which “he brandished a gun” and “threatened to ‘blow up the whole community’” went on a shooting spree on January 9. Jason Nightengale, 32, apparently chose his victims randomly. By the time he was shot dead by Evanston police three were dead and four were wounded. [A fourth victim has since died.](#)

12/10/20 Thanks to the pandemic and civil disorder, Illinois gun stores have been doing “record-shattering” business this year, with many sales going to new gun owners. Aside from more violence, authorities fear that increased gun availability will lead to higher suicide rates as well.

11/19/19 Social media posts including “kill all women” and “prowling the Seattle streets for women to assault” were enough for police to get a Red Flag order. But two weeks later a judge ordered the guns returned without a mental health check. Satisfied that these were just bad jokes for the man’s friends, he explained that the law did not let him “give the benefit of the doubt” to police.

11/18/20 This year’s surge in gun sales has led to concerns about a corresponding surge in suicide. Firearms are a sure means of killing oneself, and account for more than half of America’s suicides. Suicide is also the predominant cause of gun deaths, with crimes and accidents accounting for about one-third.

10/24/19 At the urging of Attorney General William Barr, in December 2019 the FBI will host a national training session to prevent mass shootings. Local and state agencies will be exposed to “proven models” drawn from the war against terror; for example,

POLICEISSUES.ORG

identifying dangerous, “extremely challenging individuals” and compelling to undergo mental health treatment before they strike.

10/12/19 California Governor Gavin Newsom (Jerry Brown’s successor) signed a bill that adds “teachers, school administrators, employers and co-workers” to the list of those who can petition courts that guns be seized. California’s Red Flag laws are no longer at “half mast.”

9/23/19 Illinois’ red flag law, which authorizes judges, acting on petitions filed by family members and police, to order that guns be confiscated for up to six months, has been used 41 times since its enactment on January 1. According to an Illinois gun-control group the law is a valuable “public health tool.” But some major cities, including the state capital, Springfield, are yet to use it once.

8/20/19 None of twenty-one California residents whose guns were seized with Red Flag orders was found to have later committed gun violence. While not crediting Red Flag for the outcome, UC Davis researchers thought the results promising. California’s new Governor, Gavin Newsom, said he’s open to expanding the law; for example, by allowing teachers and employers to apply for an order.

6/27/19 On June 14 Lakeland, Fla. resident Courtney Irby broke into her estranged husband’s house, took his handgun and assault rifle and brought them in to police. At the time he was in jail for assaulting her, and Irby, 32, said she was trying to protect herself and their children. Florida’s Red Flag law only allows police to petition a judge for a “[risk protection order](#)” to seize guns, and Ms. Irby apparently didn’t think the authorities would do so. *Police arrested Ms. Irby for burglary.*

6/26/19 On June 19 Adel Ramos, 45, used a high-powered rifle to shoot and kill rookie Sacramento, Calif. police officer Tara O’Sullivan, 26, during a domestic violence call. Ramos, who had a record and an open warrant for domestic violence, [had a shotgun, a handgun and two California-illegal AR-15 type rifles assembled from parts](#). This tragedy apparently led California Governor Gavin Newsom to change his mind and endorse expanding the State’s red flag laws to allow, among other things, “teachers, employers and co-workers to also petition the courts.”

4/15/19 Colorado became the 15th. state with a Red Flag law, eff. January 1. But some counties have declared themselves “Second Amendment sanctuaries” and vowed not to enforce it.

4/3/19 Colorado’s Democratic Governor is expected to sign a Red Flag bill. But it’s staunchly opposed by Republicans, including a sheriff who vowed to go to jail rather than enforce it. Instead of taking guns, he favors making it easier to hold persons for a mental health check.

POLICEISSUES.ORG

3/22/19 In 2018 Maine's former governor, a Republican, vetoed a Red Flag bill. It's been re-introduced under the new governor, a Democrat. As the state's former AG, she supported the bill.

2/21/19 California is the only state that actively tries to confiscate guns from buyers who were convicted of a felony post-purchase. California, Connecticut and Nevada [are the only states](#) that require felons prove they have surrendered guns previously bought.

2/16/19 Five years ago a faulty background-check process enabled a 45-year old man with a 19-year old aggravated assault conviction in Mississippi to buy a Smith & Wesson .40 caliber handgun at an Illinois store. His conviction came to light when he subsequently applied for a carry permit, but the gun was not seized. On February 15, as he was being fired from his job, Gary Martin, 45, used the weapon, which was outfitted with a laser sight, to kill five co-workers and wound one. He went on to wound five police officers before cops shot him dead.

1/25/19 Zephen Xaver, 21, entered a Florida bank, ordered four employees and a customer to lie on the floor, and shot them in the head. All died. As a youth, Xaver's dreams of taking students hostage led to his referral for treatment. That incident, as well as his recent message about taking hostages and committing "suicide by cop" had come to the attention of police. Xaver recently told a friend that he had bought a handgun. (See 12/17/24 update)

12/8/18 Ventura deputy Sgt. Ron Helus, one of the twelve persons killed during a December 7 mass shooting at an L.A.-area bar, sustained a lethal wound from a rifle round fired by a CHP officer as they exchanged fire with the gunman. Ventura Sheriff Bill Ayub said the tragedy may not have been preventable: "In my view, it was unavoidable. It was just a horrific scene that the two men encountered inside the bar."

11/21/18 Click [here](#) for a brand-new *L.A. Times* interview with the legislators who drafted California's original Red Flag bill.