



Office of the San Diego City Attorney

Mara W. Elliott
City Attorney

March 25, 2019

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

The Extreme Risk Protection Order Act of 2019 – Support

Dear Senator Feinstein:

The San Diego City Attorney's Office supports the Extreme Risk Protection Order Act of 2019, which would encourage states to enact red flag legislation, because we know first-hand that red flag laws save lives. These laws allow law enforcement to temporarily remove guns from and prevent the purchase of guns by individuals who pose a serious risk of violence to themselves or others.

Our office was the first in the state to aggressively enforce California's 2016 red flag law, which created Gun Violence Restraining Orders (GVRO) as a tool to remove firearms from individuals who pose a danger to themselves or others. A GVRO is a civil restraining order that prevents dangerous individuals from controlling, accessing, purchasing, and possessing firearms and ammunition for a one-year period.

When I took office at the end of 2016, we made GVROs a top priority, enlisted the San Diego Police Department as a partner, and worked with the San Diego Superior Court to familiarize our judicial officers with the new law. We launched the GVRO program in December 2017 and were soon asked by the state Legislature to train other law enforcement agencies throughout California.

In a little more than a year's time, we have obtained 126 GVROs and confiscated 318 guns, including 33 assault weapons. We have conducted nine trainings for law enforcement agencies and municipalities throughout the state and are continuing to train in other cities.

Law enforcement in California strongly support GVROs because they protect the public and peace officers from predictable gun violence, rather than waiting for a crime that their experience and training tells them is all but inevitable. The circumstances giving rise to GVROs often involve overlapping issues that include substance abuse, threats of violence, threats of suicide, and domestic violence. GVROs have also been obtained in cases of elder abuse, child abuse, gang activity, and unlawful discharge of weapons. Here are some trends our office observed in obtaining its first 100 GVROs:

- About 40 percent of the cases related to family violence, relationship violence, or stalking.
- About one-fourth of the cases involved some form of substance abuse.
- About one-fourth of the GVROs resulted in the removal of guns from individuals threatening suicide.
- Eighteen GVROs were obtained against individuals struggling with mental health issues, including dementia and Post-Traumatic Stress Disorder.
- Fourteen GVROs were obtained against individuals who threatened violence in the workplace or at a school.
- Ten GVROs were obtained against juveniles or individuals who used social media to make threats.

Of the GVROs obtained, countless tragedies have been prevented.

Here are a few instances when a GVRO intervention has likely saved lives:

GVRO averts potential workplace mass shooting

Employees of an automobile dealership had become increasingly disturbed by a co-worker's behavior. After the mass killing in Las Vegas, this service adviser had praised the shooter for not committing suicide until he had gunned down enough victims to set a modern record for mass killing. "If I were him," the service adviser volunteered, "I would have shot up a mosque and then shot it out with cops." Not long after, he boasted that if he were fired by the car dealership – a prospect that seemed likely – he would return with his gun. A co-worker notified police and our office obtained a GVRO. The man surrendered a semi-automatic rifle with significant killing capability.

GVRO prevents potential suicide

A 29-year-old man made a suicide threat to his fiancé. He then got into a physical fight with his elderly father over access to firearms and was taken into custody. While in custody, the man implied he was going to shoot an officer. Our office obtained a GVRO and confiscated seven guns, including three AR-15 rifles. The man's AR-15 rifles were likely modified in a manner that makes them illegal in California.

GVRO uncovers deadly arsenal in home of accused attempted murderer

A homeowner who lived near an elementary school shot a city employee who was part of a crew fixing a water leak. Though he was in jail for attempted murder, police were rightly concerned that he would have immediate access to weapons concealed in his house if he was released on bail. Their instincts were confirmed when, after our office obtained a GVRO, they searched his residence and uncovered a cache of weapons that included 56 firearms (including an assault rifle), explosives, and 75,000 rounds of ammunition.

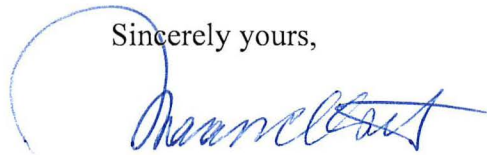
GVROs are granted in open court hearings at which respondents may be represented by counsel. The City Attorney's Office must provide clear and convincing evidence to the court that the respondent poses a serious threat to himself or to others. Courts review these factors when balancing the public danger posed by irresponsible or threatening gun owners against their Second Amendment rights.

While the GVRO is in effect, the gun owner has an opportunity to remedy the circumstances that posed a danger to self or others. Many of these gun owners and their families have thanked us for our intervention. We have found that their conduct is often a cry for help.

Our office has found California's red flag law to be a powerful tool for protecting residents and police officers from senseless gun violence. Gun-rights advocates closely monitor our work; they have yet to bring to our attention a case where they believe the GVRO was improperly granted.

For the reasons listed here, the San Diego City Attorney's Office supports the Extreme Risk Protection Order Act of 2019 to prevent predictable gun violence tragedies throughout the nation.

Sincerely yours,



Mara W. Elliott
City Attorney

MWE:vj