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'Red Flag' Laws to Prevent Possible Shootings: CT Has Something Like It, and It's Been Used in Darien

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After the massacres in Dayton, Ohio and El Paso, Texas several days ago, proposals to spread "red flag" laws to more states have been made as one way to help prevent similar shootings in the future.

Connecticut has a "firearm removal law" similar to "red flag" law (also called "extreme risk protection order laws"), and it's been used in Darien. Police Chief Raymond Osborne and Capt. Don Anderson discussed how it works at Wednesday's Police Commission meeting.

Commission Chairman J. Paul Johnson said he had spoken to Osborne earlier about Darien police experience with that state law, and he asked Osborne to discuss it:

"If [...] Darien police hear of a disturbed individual who may be a possible threat to himself or herself or to

the public, what can we do in the state of Connecticut?"

Osborne said:

"Connecticut has what we call a 'risk warrant option.' If we feel that someone is a danger to themselves — a suicidal person — or a danger to other people, and they are in possession of handguns or they're in possession of weapons, we can do a risk warrant and seize those weapons. [...]

"So if we get information that a person is a danger to himself or a danger to others, we would document it in the risk warrant, which is basically a search warrant allowing us to seize them [the weapons] [...]

"If somebody called us about a person who is disturbed — they're making threats, making comments, perhaps they're suicidal or whatever — we would interview the people involved — are there weapons in the house? — we would check and see if he has a gun permit, if he has guns registered to him."

Anderson, who has been chosen to succeed Osborne when Osborne retires as of Sept. 1, made another point about the law: Risk warrants need the approval of a judge.

"The good thing about this is, like every other investigation, the judicial oversight in this. It's not like the police coming to your house willy-nilly. We present the evidence that's brought to us to a neutral and detached magistrate who will sift through the facts and will [have to] say, 'Yes, I agree here.'

"So it's a two-pronged approach. It's not just the police doing this on their own."

Any risk warrant is accompanied by a date for the matter to be brought to court, so the person whose firearms have been seized has the automatic opportunity to object to the seizure and get them back, Osborne said.

According to the [Giffords Law Center website](#), the court hearing must be held within 14 days and its purpose is to determine whether or not the firearms should be returned to the person immediately.

The firearms may be withheld from the person for up to a year.

[One study](#) of Connecticut's and Indiana's firearm removal laws said it reduced suicides by guns, but in Connecticut that was offset by increased suicides not using firearms.

See also:

- ["After a Weekend of Deadly Shootings, Republicans Offer Renewed Support for Red Flag Laws"](#) (Pacific Standard, Aug. 6)

- [Extreme Risk Protection Orders, a description](#) (from Giffords Law Center, which advocates gun control laws)
- A chart from Giffords Law Center describing Connecticut's firearms seizure law (and red flag laws in other states) is described [here](#).

In Darien

Johnson pointed out: "This is not just a theoretical situation. We have had an experience with this type of situation in Darien."

Osborne added: "We've had some. [...] It [the law] has been around in Connecticut for a while. I remember doing one [risk warrant] when I was a sergeant in the detective bureau, and that's going back a number of years."

How Connecticut's Law Compares

According to the [Giffords Law Center website](#), an organization that promotes gun control laws, Connecticut and Indiana have "firearms removal laws" that differ somewhat from most red flag laws that prevent people deemed to be dangerous from getting new guns. The Connecticut law only takes guns from those who already have them:

- Firearm removal laws are similar to extreme risk protection orders in that they allow certain categories of people to obtain court orders removing guns from dangerous people.
- These laws differ from extreme risk protection orders in that the orders may only be used to remove firearms already in the possession of a respondent whereas extreme risk protection orders may be obtained against individuals who do not possess firearms.

The website also says:

"Although Connecticut's law could not be used to prevent a person who does not possess firearms from acquiring them in the future, a person whose guns have been removed pursuant to the state's removal law is prohibited from purchasing new firearms for the duration of the order."