



RI Police Chiefs' Association

PRESS RELEASE

Date: February 21, 2018

Re: RI Police Chiefs' Association Press Release

FOR IMMEDIATE RELEASE

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Rhode Island Police Chiefs' Association calls for a RED FLAG Law

The Rhode Island Police Chiefs' Association, which represents the leaders of all law enforcement agencies in the State of Rhode Island unanimously voted on Tuesday to call upon the Rhode Island General Assembly to enact a law which will help law enforcement address issues as it relates to access to firearms by any person who displays a course of conduct which could place the public at risk, commonly referred to as "red flag" laws.

The mission of our Association is to assist its members and all law enforcement officers in the State of Rhode Island with the administration of public safety, to promote harmony and trust between law enforcement and the public, to enhance the effectiveness of law enforcement in the State, to strengthen public confidence in the police profession and to improve the quality of life in the communities we serve. As such, we need comprehensive legislation to aid us in our mission and to mitigate gun violence in our schools and workplaces.

We as law enforcement professionals strongly encourage people to report actions by individuals which are concerning and may place either themselves or others at risk. Police officers are often presented with this information and have no means to prevent someone from purchasing or possessing a firearm, until after a crime is committed. The State of Connecticut has had a "red flag" law since 1999 and in a recent study of its implementation has exhibited a lower rate of suicide by firearms.

While we respect the second amendment, we must also balance the interest of public safety and need such legislation to protect our citizens. Such a law would help provide that protection while allowing due process to those who may become subject of such court orders.

We realize that there is no one solution to this epidemic of mass shootings in our country and there is no one law that can prevent all shootings. But, we have examples right here in Rhode Island, where this law on many occasions would have helped in our mission.

This basic principal already exists in Rhode Island which has helped to protect the victims of domestic violence. Five other states have similar "red flag" laws in various versions. We feel that such a law would not only help to keep guns away from dangerous people, but would in some cases force individuals to seek mental health treatment that they have not otherwise sought.

The basic tenets of the law should include:

- **Allowing any law enforcement officer (petitioner) to file an affidavit in the appropriate court requesting a temporary restraining order (TRO) against any person who displays a course of conduct which could place the public at risk if that person were to purchase and/or possess a firearm.**
- **A judge would use the affidavit to assess whether an individual poses an imminent danger and whether the interests of public safety necessitate a prohibition on the purchase and possession of firearms.**
- **A Judge may issue a temporary restraining order (TRO) (similar to a domestic TRO), ordering the immediate surrender and/or seizure of firearms in their possession, care, custody or control, prohibit the possession and purchase of firearms, and shall schedule a hearing before a judge within 21 days.**
- **After a hearing, the order may be converted to a protection order for the period of one-year. Prior to expiration, a hearing shall be held before the issuing court to determine if the order shall be extended or vacated.**
- **Nothing shall limit a respondent's right under existing law to petition the court at a later date for modification of the order.**
- **The violation of either the temporary protection order or protection order shall constitute a felony.**
- **Any person who knowingly provides a firearm to a person subject of a TRO or protection order shall be guilty of a felony.**
- **All orders shall be immediately entered into the state restraining order data base and reported to the National Instant Criminal Background Check System (NICS).**

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