

# “This Will Save Lives”: Evaluating the Illinois Firearms Restraining Order Act (FRO)



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## Abstract

**Background:** After the Parkland, Florida, shooting in 2018, a number of states passed Extreme Risk Protection Orders (ERPOs) that would allow the temporary removal of firearms from those who are at risk of causing harm to themselves or others. Illinois was one of these states and passed the Firearms Restraining Order Act (FRO) in the spring of 2018.

**Methods:** A qualitative instrumental case study design was used to evaluate the FRO. This research consisted of 13 key informant semi-structured interviews of individuals and organizations involved in the passage and implementation of the Illinois Firearms Restraining Order Act (FRO). Interviews were conducted via phone and in-person between December 2019 and February 2020.

**Results:** The main theme from the study found that while mass shootings were the catalyst for FRO passage, the implementation will be used as a tool for suicide and domestic violence prevention. Participants noted that Parkland was the main catalyst for FRO passage; however, these laws will most likely prevent more suicides and help with domestic violence prevention. Participants also acknowledged that keeping people safe from firearm violence is a critical factor in the implementation of the FRO.

**Conclusions:** ERPOs are intended to save lives of those who may be at risk of harming themselves or others. These laws provide an important tool for states who view gun violence as a public health issue. Outcomes from this study will help states guide their legislation and implementation efforts to pass and implement their own ERPOs.

**Key words:** extreme risk protection orders, red flag laws, gun violence, safety, suicide prevention

## Introduction

On February 14, 2018, the lives of the students and teachers at Marjory Stoneman Douglas High School in Parkland, Florida, changed forever. At approximately 2:19 p.m., Nikolas Cruz fired shots at his fellow classmates and teachers [1]. In a matter of minutes, 17 students and teachers lost their lives in an attack that many believe could have been prevented [1]. After the shootings, reports of Cruz’s history of alarming and destructive behavior came to the forefront, including FBI investigations, complaints from students and school officials about his erratic and temperamental behavior, and a social media post of him threatening to commit a shooting at the school the year prior [2]. Despite this history, Cruz had easy access to firearms, which helped fuel the attack in Parkland [2].

In response to Parkland, several states passed Extreme Risk Protection Orders (ERPOs), also known as red flag

laws or Gun Violence Restraining Orders (GVROs), to prevent massacres like it from happening again. ERPOs provide a legal basis to assess risk by temporarily prohibiting the possession of firearms from individuals who pose a threat to themselves or others [3]. While these laws vary by state, ERPOs generally allow law enforcement and anyone with an immediate relationship to the individual — family members, spouses, and in some cases dating partners — to file a temporary restraining order with the court to seize their firearms [3]. Those who are seeking a temporary restraining order must provide compelling evidence that the individual is at risk of harming themselves or others [4]. Because ERPOs are new, there is limited research on the passage of the law, implementation of the law, and its effectiveness in reducing violence. This research evaluated the key factors associated with the passage and implementation of Illinois’ version of the ERPO, the Firearms Restraining Order Act (FRO). While mass shootings were the catalyst for passage of the FRO, implementation of the FRO is

perceived as a tool for suicide prevention and domestic violence prevention.

## Methods

### *Setting:*

Illinois was chosen for this research because it is one of the states that passed ERPO legislation in 2018 after Parkland. Another factor was the researcher had access to the key informants working on the law.

Interviews were conducted between December 10, 2019, and February 14, 2020. These interviews consisted of 10 phone interviews and three in-person interviews. Phone interviews were conducted in a private room and recorded via a phone recorder and in-person interviews were recorded and conducted at a time and place convenient for the participant.

### *Design:*

The design of this study was a qualitative instrumental case study. An instrumental case study “provides insight to an issue or helps refine a theory. The case is often looked at in depth, its contexts scrutinized, its ordinary activities detailed, and because it helps the researcher pursue the external interest.”[5 p549] The external interest in this case is Extreme Risk Protection Orders (ERPOs) and the secondary case is the Illinois Firearms Restraining Order Act. The findings in this study can be generalizable to other ERPOs because of the common goal of preventing mass shootings and reducing suicides and domestic violence. Kingdon’s Multiple Streams Framework (MSF) was used as the theoretical framework to look at the problems, politics, and policies of this specific public policy. These streams operate independently from one another until a window opens for the streams to come together to create policy change [6]. This framework has been used in other public health topics such as healthcare reform [6].

### *Participants and recruitment process:*

Participants were selected based on their knowledge and experience with the passage and implementation of the FRO. Snowball sampling was used with an initial contact from a gun control advocacy group, a publicly available list from the witness slips on the FRO, and additional snowball sampling from the key informants. Selected participants came from Illinois advocacy groups, national advocacy groups, mental health advocacy groups, and government agencies.

Twenty-six individuals were contacted to participate in this study. Thirteen agreed to participate and completed the interview; eight declined due to time constraints or lack of knowledge about the law; two initially responded but did not return subsequent requests; and three did not respond to the request. After the interview, participants were asked if they could refer anyone else to this study and if their name could be used when contacting these individuals.

### *Procedures:*

IRB approval was obtained by Northeastern University’s Institutional Review Board on November 12, 2019. Key informants were contacted with the IRB-approved email script detailing the purpose of the study and asking them to participate in the study. Once a participant volunteered to participate in the study, an Informed Consent form was sent to them via email with the IRB-stamped approval explaining the study and how their confidentiality would be ensured. Data from interviews are stored in a password-protected laptop with encrypted files. The files are de-identified and contain no identifiable markers to the key informants.

### *Measures/outcomes:*

Using an interview instrument developed by the researcher, participants were asked a series of questions developed based on concepts of the MSF. These measures were developed by the researcher because no such measures exist. The MSF was the best way to construct this research design because of the flexibility of the framework and its easy adaptation to various public health topics. The questions consisted of four categories: introduction and background, history of the Illinois Firearms Restraining Order Act, passage and the three streams, and implementation and the three streams. These categories were grouped into subcategories of the problems, politics, and policy streams. Interview questions asked about the important events that led to FRO passage, barriers and successes to implementation, political barriers and successes to implementation, and policy considerations from the FRO.

### *Data Analysis:*

Data collected was stored in key informant folders that contained recorded interviews and transcripts of the recorded interviews. Key informant folders were labeled by numbers (001-013) to remove any identifying factors. Data analysis took place after the interviews were conducted to minimize preconceived assumptions about the results. Interviews were coded using NVivo 12 for Mac

**Table 1:** Themes with number of key informants who mentioned each theme. [Created by the author].

Theme	Number of key informants
Domestic Violence	9
Mass Shootings	11
Safety	12
Suicide Prevention	11
Tool	9

for in vivo coding. After the initial in vivo coding, focused coding was used to pick out emerging themes in the interviews. The codes were categorized into folders with several themes (see table 1).

### Results

The major theme in the findings was that while mass shootings were the catalyst for the FRO, it is perceived as a tool for suicide and domestic violence prevention. The majority of respondents (n = 11) acknowledged that mass shootings across the country are what sparked the passage of the FRO. While the participants mentioned several mass shooting events, five of the 13 key informants specifically mentioned that the Parkland, Florida, shooting influenced FRO passage. One participant noted:

*I think Parkland scared the bejesus out of everybody. You know, everybody could relate to high school kids being, you know, the trauma that hit families and the community [013].*

Participants articulated that it often takes mass shootings like Parkland for lawmakers to notice and decide to act by passing legislation like the FRO.

Participant 001 agreed that Parkland was an important component for the passage of the FRO:

*It was the mass shootings that have been happening across the country is what kind of precipitated it. It was just that we have seen all these and then, you know, this whole thing is in process and Parkland, Florida, happens [001].*

Although mass shootings were the event that caused passage of the law, most key informants noted that the FRO serves as a tool to prevent suicides and a tool for

victims of domestic violence. The majority (n = 11) of participants mentioned that the FRO is a tool to prevent suicides. One key informant noted that mass shootings are rare and laws like the FRO are designed to prevent suicides and other forms of violence:

*My feeling, yeah, might be a little different than, you know, the average person because I think I understand that mass shootings are relatively rare events, even though they're happening more frequently. So, prior felonies have more to do with interpersonal violence and suicide. And so, my understanding of FRO and then having looked at the literature too is, it could really be more the tool for suicide prevention. So, I think this probably is still people desire a sense of safety around the random violence regarding mass shootings. It's probably more of a tool for suicide prevention [010].*

Data confirms that although mass shootings are a galvanizing force when they happen, they are still rare events. James Alan Fox, a professor at Northeastern University, notes that mass shootings are rare events and suicides account for far more deaths than mass shootings [7]. According to the article, there have been 1,800 deaths from mass shootings since 2006, and there were 3,800 firearm suicides since February 2020 [7]. Suicides by firearm clearly cause more deaths and several studies show that ERPOs can prevent these suicide deaths by firearm. Studies conducted by Kivisto and Phalen [4], Swanson [8], and Parker [9] all found that there was a reduction in suicide deaths after gun seizure laws were in effect in Connecticut and Indiana. While their studies cannot conclude this was the cause of the decline, there is strong evidence that they have been a contributing factor in the decrease in suicide deaths.

Participant 003 noted that there has been an increase in suicides and domestic violence in Illinois:

*...[W]e see a 23% increase in suicides since the year 2000. As well as an increase in domestic violence homicide for the first time in years. And I think those two issues you know, those three those three components were kind of the motivation for it. And you know, I you know, Illinois suicide rate doesn't isn't statistically as you know, bad as some other states, but still 23% is a drastically, you know, large number and something that, you know, we have data specifically from Indiana that I think our lawmakers looked at and said, you know, Indiana spent either laws on the opens a lot of law enforcement, but they still found a considerable decrease in suicides since they implemented the law. And so, we do know there's some utility there [003].*

Suicide rates in Illinois between the years 1999 and 2016 rose from almost 10 per 100,000 in 1999 to over 12 per 100,000 in 2016 [11]. While this was less than the national average, it is still a significant increase in suicide deaths [11]. The report also notes that the leading cause of suicide deaths in Illinois is with a firearm [11]. With suicide rates increasing, many saw the importance of passing the FRO to prevent suicides and other forms of violence with a firearm.

One participant noted that the FRO can be seen as an anti-suicide bill:

*And I saw a way that we could look at it as an anti-suicide bill. I feel that it really goes into it, where we say it could also prevent mass shootings. But I also think it's an anti-suicide bill. There are certain times in people's lives that they shouldn't have a gun in their nightstand. And that's what this bill really addresses [013].*

Participant 002 agreed that the FRO will prevent suicides:

*And the question is, if we take those guns, are we then preventing the suicide? And I think so. I really do [002].*

Another factor in implementation of the FRO is that it's an important tool for victims of domestic violence. Nine out of the 13 participants mentioned that the FRO serves as a tool for victims of domestic violence. One participant acknowledged that many mass shooters have a history of domestic violence:

*And it is one of the things that we know about gun violence as it is many of the perpetrators are, have violence against others, have a history of domestic violence. In fact, the number one predictor of the mass of mass shootings in this country, it's domestic violence [006].*

Current research shows that many mass shooters have committed a form of domestic violence. According to *The New York Times*, over half of mass shooters' victims involve a domestic partner or family member [7]. This connection between domestic violence and mass shootings is important, especially for ERPOs that allow family members and intimate partners to file a petition. These petitions can create an opportunity for the family member or partner of someone who may cause harm and prevent the cycle of violence from continuing.

Ultimately, participants expressed the importance of the FRO and keeping individuals and communities safe. Twelve of the 13 key informants mentioned safety and keeping individuals and the community safe when it comes to the FRO. One participant articulated:

*This is about keeping community safe and reducing the violence that has just devastated our state, you know, for too long devastated our country. Continues to happen every single day [003].*

Another participant noted:

*So regardless of the catalyst, and regardless of the tragedy, this will save lives and lots of different types of violence [009].*

## Discussion

Mass shootings across the country have galvanized many public health experts, activists, and lawmakers to pass legislation that will reduce these incidents in this country. The findings from this research suggest mass shootings that took place across the country were the driver for laws like the FRO and other ERPOs to pass. Parkland, in particular, resonated with almost half of the participants because the event was so shocking. The Parkland shooting and other mass shootings sent shockwaves around the country, including in Illinois. Activists, policymakers, and other stakeholders rallied around the FRO after Parkland to ensure that some type of firearm legislation would pass. The conversation changed from indecision to action after Parkland.

Another key issue around the FRO and other ERPOs is how to ensure the safety of those who may harm themselves or others. The FRO addresses this issue by removing firearms. Although the legislation passed because of mass shooting, the incentive to keep people safe comes mostly from preventing suicides and those experiencing domestic violence. Participants also acknowledged suicide risk and domestic violence will be the vast majority of FRO petitions filed.

Extreme Risk Protection Orders are one of the many important public health tools that states can use to reduce firearm violence. Evaluating ERPOs will help public health professionals gain critical insight on the strengths and challenges of the laws and how they can best be implemented to reduce suicides, mass shootings, and domestic violence. This research shows how one state perceived the importance of an ERPO, but this can guide others states in their decision to pass and implement ERPO legislation. During and after the COVID-19 pandemic, it is more important than ever for public health measures such as ERPOs to help reduce the risk of suicides and other firearm violence. A recent study revealed that Californians are worried about an increase in firearm violence, including suicide and domestic violence, during the pandemic because the isolation and loss the pandemic has brought [12]. Those surveyed also had an increased worry about violence because of the influx of firearms being purchased during the pandemic [12]. With these growing concerns, ERPOs will remain important because they provide law enforcement and loved ones the means to prevent violence during the pandemic. Extreme Risk Protection Orders are part of the toolbox to broadly reduce firearm violence and may also reduce suicides and other forms of violence in a time of crisis.

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