



TO: Senate Judiciary Committee *Sent electronically*
SUBJECT: Extreme Risk Protection Order Proposal
DATE: September 24, 2019

PACA MH/DS appreciates Senator Baker and the Senate Judiciary Committee for holding public hearings regarding behavioral health, second amendment rights and other gun related issues. PACA MH/DS is the Pennsylvania Association of County Administrators of Mental Health and Developmental Services (PACA MH/DS), a statewide association representing all county behavioral health and developmental disability programs, behavioral health managed care oversight agencies and county operated managed care programs throughout the commonwealth. Our association is more than willing to provide information to assist you in your deliberations.

Behavioral Health

Behavioral health in regards to violence is typically misunderstood and maligned. The evidence shows that people with psychiatric disabilities are responsible for only three to five percent of violent crimes. An individual with mental illness is much more likely to be a victim rather than the perpetrator of violence. In fact, severe mental illness alone is not statistically related to future violence, which means other indicators for potential violent behavior need to be considered. Consequently, the presence or absence of serious mental illness is the wrong focus regarding gun safety measures.

Commitment

Pennsylvania has procedures abridging civil rights in order to protect an individual and others from adverse effects of mental illness. The process requires assessment and review both clinically and judicially. Commitments entail an emergency evaluation and treatment for persons who are a danger to themselves or others due to a mental illness. The following criteria is considered in the decision-making process:

- Danger to self shall be shown by establishing that within the previous 30 days:
 - the person would be unable without the care, supervision and assistance of others to satisfy his/her need for nourishment, personal or medical care, shelter or self- protection or safety and that death or serious physical debilitation would occur within 30 days unless treatment was provided;

- the person has attempted suicide, or the person has made threats to commit suicide and committed acts in furtherance of the threats; or
- the person has mutilated himself/herself or the person has made threats to mutilate and committed acts in furtherance of the threats.
- Danger to others shall be shown by establishing that within the previous 30 days the person has inflicted or attempted to inflict serious bodily harm on another or has threatened serious bodily harm and has committed acts in furtherance of the threat to commit harm to another.

Gun Control

Individuals who are involuntarily committed may not lawfully possess firearms. This is a lifetime ban. When committed, the individual's name is entered into the Pennsylvania State Policy database to prevent future gun purchases from licensed gun dealers

The proposed Extreme Risk Protection Order would prohibit an individual, who is threatening violence, from legally possessing a fire arm for a specific time period. The threat may not be due to a mental illness. The ERPO is a temporary order, rather than a lifetime ban.

Considerations

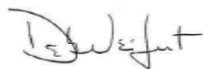
To meet the intent of the ERPO, the following should be considered:

- Emphasis on the determinants of violence based on individualized assessment and history, not solely on behavioral health
- Provide due process to the individual
- Fund and educate all stakeholders, law enforcement, lawyers, judges, health and social service providers and family members

Based on our research, we recommend examining Florida's law and experience. The success of Florida's EPRO law has been predicated on the creation of mental health teams working 24/7 with police departments to assess individual needs and potential for violence. This requires an investment in our communities. An investment in a reporting system. An investment in community mental health services. An investment in law enforcement. An investment in a gun retrieval and return system. An investment in training and awareness.

Feel free to contact our association for additional information.

Respectfully,



Deb Neifert
Deputy Director