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SECRETARY OF STATE

State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

18-01

February 26, 2018

RHODE ISLAND RED FLAG EXECUTIVE ORDER

WHEREAS, the people of Rhode Island are committed to protecting the public and ensuring the safety of our communities; and

WHEREAS, Rhode Islanders are determined to reduce and prevent gun violence, identify new approaches to prevent gun-related deaths, including suicide; and

WHEREAS, I signed legislation last year barring individuals convicted of domestic violence from purchasing or possessing a firearm; and

WHEREAS, on February 22, 2018, Rhode Island joined Connecticut, New York and New Jersey as a founding member of the States for Gun Safety Coalition that improves information sharing and establishes the nation's first Regional Gun Violence Research Consortium to share and examine data about gun violence to better inform policymakers nationwide; and

WHEREAS, an average of two dozen children are shot every day in the United States; and

WHEREAS, Rhode Island's state flag has been lowered to half-mast nine times since 2015 in response to incidents of mass gun violence; and

WHEREAS, the federal government has taken little or no action to strengthen the nation's gun laws even after 26 children and adults were killed in Newtown, Connecticut

in 2012, or after 14 people were killed in San Bernardino, California in 2015, or after 49 people were killed at the Pulse Nightclub in Orlando, Florida in 2016, or after 26 people, including eight children, were killed at the First Baptist Church in Sutherland Springs, Texas in 2017, or after 58 people were killed in Las Vegas, Nevada in 2017, or after 17 students and teachers were killed at Marjory Stoneman Douglas High School in Parkland, Florida earlier this month; and

WHEREAS, Rhode Island's gun laws are among the nation's strongest but still allow for the purchase of military-style weapons and high-capacity magazines, unlike our neighboring states; and

WHEREAS, California, Washington, Oregon, Connecticut, and Indiana have enacted 'red flag' laws that allow police, family members, and others to petition the court to remove firearms from people who exhibit clear warning signs that they are a danger to themselves or others; and

WHEREAS, Rhode Island does not have a red flag law; and

WHEREAS, legislation establishing a permanent red flag law is an important component of a comprehensive strategy to protect Rhode Islanders from gun violence; and

WHEREAS, public education and outreach is necessary to raise awareness about the behaviors and actions that may serve as red flags that individuals may pose a danger to themselves or others; and

WHEREAS, all Rhode Islanders should know how to access necessary protective and supportive services upon recognizing red flags; and

WHEREAS, I will continue to work with community leaders, policymakers, legislators, law enforcement, and Rhode Island residents to reduce and prevent gun violence and enhance public safety;

NOW THEREFORE, I, Governor Gina M. Raimondo, by the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby ORDER as follows:

1. Strengthen Law Enforcement Response and Intelligence Sharing.

- a. The Rhode Island State Police shall take all necessary and lawful steps to promptly respond to and investigate, and support local police departments in their response to and investigation of, any credible reports that a person

poses a significant danger of personal injury to themselves or others (“Red Flag Reports”).

- b. Factors that law enforcement may consider in assessing the danger posed by the person include, but are not limited to, the following red flags:
 - i. Recent acts or threats of violence by the person against self or others, including statements, videos, or photographs posted on social media sites;
 - ii. A pattern of prior acts or threats of violence by the person against self or others;
 - iii. The criminal history of the person, including arrests and convictions for crimes of violence, whether felonies or misdemeanors, and crimes involving domestic violence, stalking, or harassment;
 - iv. Previous no-contact orders, restraining orders, or protective orders issued against the person;
 - v. Unlawful or reckless use or brandishing of a firearm; and,
 - vi. Evidence of recent acquisitions of, or ready access to, firearms.

No one factor is determinative and law enforcement may consider any other relevant and credible evidence.

- c. The law enforcement investigation shall include, at a minimum:
 - i. A criminal background check;
 - ii. A request for information from the Rhode Island Fusion Center;
 - iii. An inquiry with the local law enforcement agency; and
 - iv. Personal follow-up with the individual in question, and to the extent possible, with the reporter (tipster) and any family member or cohabitant of the individual in question. Provided, however, that a reporter’s desire for anonymity or confidentiality shall not preclude law enforcement investigation.
- d. In all cases where the law enforcement investigation has concluded that there is probable cause to believe that the person poses a significant and imminent danger to him or herself or others, law enforcement shall take all available legal steps, consistent with all applicable state and federal laws and regulations, to:
 - i. Remove firearms from the person and/or the person’s household;
 - ii. Refer or transport the person for appropriate medical or mental health treatment and evaluation; and,
 - iii. Initiate criminal proceedings where appropriate.

- e. The Rhode Island State Police shall share information about credible Red Flag Reports with the Rhode Island Fusion Center and the law enforcement agency for the city or town where the individual in question resides. Additionally, where appropriate and to the extent authorized by law, law enforcement shall share the information with the local school department and the Department of Children, Youth and Families.

2. Educate the Public About Common Red Flags and Appropriate Responses.

- a. The Department of Public Safety (DPS), Rhode Island Department of Health (RIDOH), Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH), Rhode Island Department of Education (RIDE), and Rhode Island Emergency Management Agency (RIEMA) shall work with other state, local, and private partners to launch a public information campaign to educate Rhode Islanders on recognizing Red Flags, and recognizing when a person is in crisis and in need of intervention. The campaign will inform Rhode Islanders about mental health and addiction treatment resources and what law enforcement can do to help.
- b. The Rhode Island School Safety Committee (comprised of the DPS, RIDE, RIEMA, BHDDH, Police Chiefs' Association, Superintendents' Association, the Fire Marshal's Office, and School Facility and Security Directors) shall educate school departments about common Red Flags and available interventions. The School Safety Committee shall also continue to assist local school departments in ensuring that all school safety plans are up to date and conform to best practices.
- c. RIDOH and BHDDH shall make available educational materials for health care providers about patient engagement on gun safety and available courses of action when providers encounter a person who poses a significant and imminent risk of harm to him or herself or others.

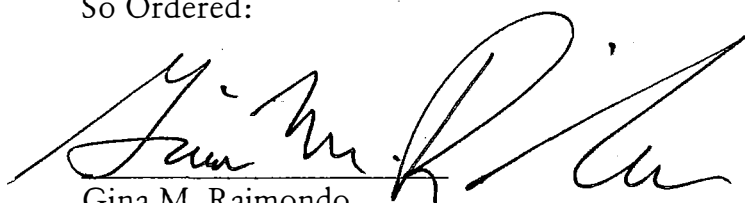
3. The Working Group for Gun Safety.

- a. Convene a Governor's Working Group to study gun violence reduction strategies, including but not limited to implementation of red flag laws and policies. The Working Group will support the Regional Gun Violence Research Consortium established by the Memorandum of Understanding executed by the Governors of the states of Connecticut, New York, New Jersey, and Rhode Island on February 22, 2018.

- b. The members of the Working Group shall be appointed by and serve at the pleasure of the Governor. Members will be drawn from the Judiciary, the Attorney General's Office, state and local law enforcement agencies, gun violence prevention advocates, mental health advocates, public health experts, educators, and other community members, including affected families and youth.
- c. The Working Group shall report to the Governor as needed.

This Executive Order shall take effect immediately.

So Ordered:

A handwritten signature in black ink, appearing to read "Gina M. Raimondo", written over a horizontal line.

Gina M. Raimondo
Governor

Dated: 2/26/18