



Psychiatry & Behavioral Sciences Section – 2009

I2 Forensic Typology of Petitioners Requesting Restoration of Firearm Rights

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The goal of this presentation is to enhance knowledge for psychiatrists regarding firearm restoration rights.

This presentation will impact the forensic community by improving working knowledge when dealing with firearm issues.

Many states including California have enacted laws prohibiting certain group of individuals from owning or possessing firearms. One of these groups of individuals is patients who were placed in mental health facility for involuntary psychiatric treatment. This country has demonstrated a history of public outcry, with little action, after well publicized shootings. However, after the shooting of President Ronald Reagan and his Press Secretary James Brady, the issue of firearm restriction involving an individual with mental illness (John Hinckley) once again became a topic of national debate. Mr. Brady's wife, Sarah Brady, led the organization, Brady Campaign to Prevent Gun Violence, and demanded restricted access to firearms for mentally ill people. Subsequently, federal law was created to deal with such restriction. Existing laws were further strengthened at the federal level due to another outcry after shooting incident by a seeming mentally ill person (Seung-Hui Cho) at Virginia Tech University, killing 32 people.

In California, a person can be placed on an involuntary hold for 72 hours, if he or she is a danger to others, danger to self, or gravely disabled at the time of admission to the designated facility. The paperwork is generated and sent to the California Department of Justice where those individual names are entered in a computer database with a restriction to firearms for 5 years. The individuals restricted under this law can file a petition with the Superior Court of California requesting the restriction be lifted sooner than 5 years.

In the county of Los Angeles, the biggest county by population in California, such petitions are centralized to the Mental Health Department of Superior Court 95. In the Department 95, each one of these petitioners is required to undergo a psychiatric examination and the examining psychiatrist relies on medical records, legal documents (i.e., rap sheets), and face-to-face interviews. As far as is known, other counties do not require such examination.

Based on hundreds of these interviews, it has been learned that petitioners can be divided into the following four distinct categories:

- (i) *Make Me Whole*. Individuals who believe their psychiatric hold was unjust and wrong. It has made them "something less than whole." These individuals believe by having their rights restored the wrongfulness of hospitalization will be corrected and they will become "whole again";
- (ii) *I Need My Job*. These individuals might be law enforcement officers, military personnel, armed security guards, etc. Some individuals may pursue employment in such fields in their future;
- (iii) *My Guns Are Collectables*. Individual who were taken in due to psychiatric hold were deprived of their "collection" of firearms and these firearms have tremendous sentimental value to them. For example, a rifle from a civil war era handed down from multiple generations; and
- (iv) *I am an American*. Individuals who are of strong opinion that they have the constitutional right to bear arms and no court or mental health system has the right to deprive them of their rights to bear arms. These individual are usually strongly opinionated.

In this paper, the implication of these categories will be discussed as well as the likely outcome of petitions and many additional characteristics of these petitioners.

Firearm Rights, Gun Control, Dangerousness