

How a New York County Used the State's 'Red Flag' Law to Seize 160 Guns

Suffolk County on Long Island aggressively uses the law to take guns from people in crisis in an effort to prevent shootings and suicides. Its experience could inform a national debate.

By Andy Newman, Benjamin Weiser and Ashley Southall

June 5, 2022

The boy made his threat aboard a school bus.

In late March, a 16-year-old in Suffolk County, N.Y., 60 miles east of New York City, told fellow students that he wanted to shoot their heads off, according to court records. He told the police that he wanted to hurt himself with a shotgun at his house.

What followed happens more often in Suffolk County than any other county in the state: A judge issued a "red flag" order that would allow authorities to take weapons from the home. The police filed an application to remove the boy's access to guns. The judge acted after finding that he posed a danger. Two shotguns were taken. The judge later wrote that the boy "admitted that not having the shotguns in the home is helpful to him."

In the wake of horrific mass shootings at a Buffalo supermarket, a Texas school and an Oklahoma hospital, many policymakers are grasping for ways to keep guns out of hands of people in crisis.

On Thursday, President Biden implored Congress to pass a federal red flag law, though such measures face stiff resistance from Republicans who contend the red flag process can be abused to take away an innocent person's fundamental right to own guns. There are also negotiations in Washington on offering incentives for more states to pass red flag laws — New York is one of 19 that has one, along with the District of Columbia.

An examination by The New York Times of more than 100 red flag cases filed in Suffolk County since the law took effect in August 2019 shows how New York's law has defused dozens of dangerous situations in the sprawl of Long Island's suburbs and beach towns, according to current and former officials.

The red flag law is hardly a panacea. It does not mandate treatment for the troubling behavior that led to the order, and its effect on gun-death statistics is difficult to discern. But those who have put it into action said it is a crucial tool.

"This is something that we can use in that gray area where we don't have anything and we're just walking away from a situation that we know is making the hair on the back of our neck stand up," said Geraldine Hart, a former county police commissioner who helped direct the law's rollout.



Geraldine Hart, a former Suffolk County police commissioner, said the county worked hard to educate law-enforcement and education officials about the law. *Johnny Milano for The New York Times*

Initiated by police officers, school officials and panicked family members, the Suffolk County cases sounded a drumbeat of domestic mayhem and potential disaster. They led to the removal of more than 160 guns, including at least five military-style rifles. They involve at least 22 people under 25, including 11 minors.

The youngest subject of a red flag was 14; the oldest was 88. All but two were male.

A state courts spokesman, Lucian Chalfen, said that by law, red flag records must be sealed after they expire. But the Suffolk cases, many of which involved expired orders, were nonetheless found in a commercial legal database and, in some cases, open court records.

The filings are filled with people threatening to shoot up courthouses or schoolhouses, amped-up men in cars with weapons and ammunition, people behaving erratically at a gun shop or military-base checkpoint or firing randomly into a neighbor's yard. People despondent over the loss of a job or girlfriend, a spouse's failing health, a parent's death. People who text friends and loved ones "Goodbye forever" or "I have a gun next to my bed bro" or post, "When I kill everyone know it's my dad's fault."

The cases point to a basic fact of American life: the dangerous overlap between the set of people with access to guns and the set of people in severe mental distress. About every eight days, judges in Suffolk County direct authorities to take firearms and bar a person from obtaining guns. The orders, handled in civil court, typically do not lead to criminal charges.

Other (specify): *Suicidal ideology - lengthy history of depression - access to firearm*

Facts and Circumstances
Please provide specific facts and circumstances justifying the issuance of an extreme risk protection order:

Respondent sent text messages to a friend stating she is "worse than ever before" that she "feels like she belongs in a clinic" and that "I have a gun next to my bed bro". PO Murnane located a 12 gauge shotgun in the respondent's bed room leaned up against a wall across from her bed. Ammunition was not loaded but within an ammo pouch. Respondent stated to PO Murnane that she suffers from depression for the past 13 years. Respondent was transported respondent to Stony Brook University Hospital Comprehensive Psychiatric Evaluation Program (CPEP). Weapon invoiced for safekeeping by PO Murnane.

Known formally as extreme risk protection orders, red flags have been used sparingly in most of New York. About 620 “final” orders — good for up to a year — have been imposed across the state.

Judges in Suffolk County, which has about 1.5 million residents, have granted at least 117 final orders, the highest rate of any of the most populous counties. (The nation’s leading issuer of red flag orders is Florida, where judges have signed over 8,000 under a 2018 law passed after the shooting at a high school in Parkland.)

Ms. Hart said Suffolk had been “forward-leaning” in educating the police and school officials about the law, and discussing it at community meetings. “It’s one thing to pass a law and just announce it,” she said, “but it’s another to give the training and the outreach and the support.”

Dennis M. Cohen, the Suffolk County attorney, added, “From very early on, we just as a policy decided to take an aggressive approach.”

That attitude may be spreading. After the Buffalo slaughter, Gov. Kathy Hochul made it mandatory for the state police to seek red flag orders when they believe someone poses a danger.

Her directive was prompted by the fact that the 18-year-old charged with the shooting, Payton S. Gendron, had not been put through the red flag process when he wrote in a school assignment that he wanted someday to commit a murder-suicide. Mr. Gendron was taken for a mental health evaluation, but he wrote that he was seen for only 15 minutes and that he lied that the remark was a joke. “That is the reason I believe I am still able to purchase guns,” he wrote.

Other (specify): singing a song with lyrics of seeing kids on a playground and pulling out a 240. (referencing a M240 gun).

Facts and Circumstances
Please provide specific facts and circumstances justifying the issuance of an extreme risk protection order:
The above named respondent did harass a former intimate partner by sending her forty-eight (48) direct messages on Instagram, along with four (4) audio calls, and one (1) video which displayed obsessive behavior. The respondent also appeared in person at the former intimate partner's residence uninvited and uninvited. At this time the respondent is reported to have been the subject of an involuntary commitment on 1/1/2022.

The process for red flag orders is straightforward: A judge at the county level can issue a temporary order, and after a hearing, a final order based on evidence that someone is likely to cause serious harm. Orders can be renewed.

Sign up for the New York Today Newsletter Each morning, get the latest on New York businesses, arts, sports, dining, style and more. [Get it sent to your inbox.](#)

Research on the laws’ efficacy is mixed. A study in Connecticut found that one suicide was averted for every 10 to 20 gun seizures. One in San Diego County, California, found that the red flag did not significantly reduce firearm violence.

In Suffolk County, the heavier use of red flag orders does not appear to have produced significant changes in gun death rates compared with those in the rest of the state. But Ms. Hart, the former police commissioner, said that the county saw several positive effects, including forcing parents to confront their children’s psychological problems.

Laura Sarowitz, a lawyer in the county attorney’s office, said the orders also have helped families with members who wanted to harm themselves by making it harder to obtain guns. “It does create extra barriers,” she said.

Suffolk County deputy sheriffs typically serve the order and remove the weapons, walking into situations about which they know little.



Suffolk County Chief Deputy Sheriff Christopher Brockmeyer, left, with Sheriff Errol Toulon Jr., said officers seizing weapons face great danger. Johnny Milano for The New York Times

“It can be very high risk,” said Chief Deputy Sheriff Christopher Brockmeyer. “We try to do our due diligence and vet the respondents as much as we can.”

Some lawyers believe the county has overreached. Peter H. Tilem, whose firm has represented clients in red flag cases, said some are based merely on a statement written or texted to a friend.

“What is it like for a college student who has never committed a crime to have the police break down his door and seize his gun?” Mr. Tilem asked. “What’s it like to have to get examined by psychiatrists and psychologists to essentially prove that he’s not a danger to himself or others?”

In Suffolk, orders are issued for a wide range of reasons.

There are people accused of threatening a girlfriend, a housemate or an aunt; people who said they were planning a “suicide by cop” and those in the throes of delusion: a man screaming that he was the messiah and that he needed to cut his grandmother out of the side of his body; another with a shotgun under his bed who ranted that U.F.O.s, aliens and the government wanted to shoot him with lasers.

At least 11 red flag orders involved school threats, including a pair issued Thursday and Friday to two 15-year-olds, one of whom walked into a classroom and shouted “I’m gonna shoot up the school.” The other boy posted on Instagram that he hoped he got locked up so that he and the other boy could “BEAT THE CASE SO THEN BOTH US CAN BOOM THE SCHOOL.”

There are people who owned no guns but were red-flagged to keep them from buying one, and people who had entire arsenals confiscated. One man who was already under a red flag order was hit with a second one for having a friend buy a gun for him. And sometimes, the civil actions and resulting searches end up leading to criminal charges for illegal weapons or drugs.

After a judge granted an order this year against Robert Ludwig, 26, who had talked about killing himself, deputy sheriffs said they found three illegal “ghost guns” assembled from kits, 4,000 rounds of ammunition and a pharmacopoeia that included fentanyl, amphetamine, LSD and Xanax. He was charged with weapon and drug possession and has pleaded not guilty, his lawyer, Michael J. Brown, said.

Mr. Brown said there were extenuating circumstances in Mr. Ludwig's case, and "no indication whatsoever that he would have used any weapons against himself or anybody else."



Deputies seized three so-called ghost guns and high capacity ammunition magazines from Mr. Ludwig. Suffolk County Sheriff's Office

By far the most common reason for an order was to deter suicide.

In January 2022, for instance, a 37-year-old wrote on Facebook that he wanted to shoot himself and posted a photo of guns at a Dick's Sporting Goods in Patchogue. Employees told the police he had just bought a shotgun and ammunition. They found the man in his car a few miles away with the gun in the back seat.

Though Suffolk County judges grant most requests for orders, there are plenty of exceptions.

Last August, a man texted a friend that he had tried to shoot himself but the gun jammed, and added, "I don't want to be here anymore." At a hearing on a final order, both men testified that the texts were jokes, and the judge found that the police had not offered clear and convincing evidence that the man posed a danger.

Robert M. Schechter, his lawyer, said that his client has been doing well and that three rifles were returned to the home.

In a 2021 case, a man in a North Shore town confronted parents waiting in their cars to pick up their children at an elementary school, complaining that they were blocking his driveway and using it to turn around. One motorist said he got into a chest-bumping confrontation in which the man threatened to blow his head off. After a temporary red flag order, the police took a pump-action shotgun, three rifles and a handgun.

But at the hearing, the man admitted only to saying "someone should shoot" the motorist. The judge wrote that while the man had "behaved in a manner that was inappropriate, crude and unwarranted," there was insufficient evidence that he intended to harm anyone.

Sometimes the authorities appear to have a compelling case, only to have an order denied for want of a witness.

When Cynthia Carro reported that her husband choked her in a drug-fueled rage in 2019, police obtained a temporary red flag and seized about 20 rifles and other firearms, according to court filings and an interview with her.

NOTE: List each attached document with a brief description. Attach additional sheets if necessary.

1. New York State Domestic Incident report
2. CCC# 2565-18 disturbance/intoxicated male located in bushes
3. _____
4. _____
5. _____
6. _____

(Optional: check and complete this section only if applicable)

The petitioner knows or has reason to believe that the respondent owns, possesses or has access to a firearm, rifle or shotgun, and the following is a complete listing and description of ALL firearms, rifles and shotguns known or believed to be owned, possessed or accessible to the respondent and the respective location of each firearm, rifle or shotgun. For the purposes of this listing, the term "possession," as defined in PL §10.00(8), means to have physical possession or otherwise to exercise dominion or control over tangible property (be as specific as possible regarding the description and location of the weapons and attach additional sheets if necessary):

<input type="checkbox"/> firearm <input type="checkbox"/> rifle <input checked="" type="checkbox"/> shotgun	Mossberg	12 Gauge Shotgun		K603182	Northport Police Department, 224 main Street, northport, NY11768
<input type="checkbox"/> firearm <input type="checkbox"/> rifle <input checked="" type="checkbox"/> shotgun	Marlin		30	11004549	Northport Police Department, 224 Main Street

But when the police asked Ms. Carro to testify at the hearing, she said she feared the financial consequences for their family.

"They would call me and I just wouldn't go, because I just didn't want him to lose his job," she said.

Without her testimony, the judge declined to issue a final order.

"All I want is for him to get better so that my children can have their dad," Ms. Carro said of her husband, from whom she is separated. The husband did not respond to a call seeking comment.

Once a final order is issued, though, judges are reluctant to reverse themselves.

In 2019, a judge red-flagged a college student who showed signs of mania after he lost his grandmother and broke up with a girlfriend, was involved in a road rage incident and purchased an AK-47 he called his "baby." A friend said he was worried that he was on "a downward spiral."

When the order still had almost three months to go, Mr. Schechter and Mr. Tilem, the man's lawyers, moved to end it, arguing that his distress was temporary, that he had been cleared by three medical experts and that he underwent therapy.

"He was sad, and people are happy sometimes and sad other times," wrote Mr. Schechter, "but to take away rights from people is not something the court should do lightly."

The judge was unmoved; the order ran its course.

The student has "done extremely well since this has been over," Mr. Tilem said.

Susan C. Beachy contributed research. Jonah E. Bromwich contributed reporting.