



Extreme Risk Protection Order

Extreme Risk Protection Orders can reduce gun violence by providing a process to enable families and law enforcement to temporarily disarm an individual who is at an elevated risk of danger to themselves or others.

Recent Denver Metro Area Event

On December 31, 2017, a Douglas County sheriff's deputy was shot and killed and 4 other deputies and police were wounded in an early morning ambush. Law enforcement officers were attempting to negotiate with a man who was suffering a mental health crisis. In the following days, we learned of the numerous interactions between the shooter and law enforcement in Colorado and Wyoming. Although law enforcement and the shooter's family knew the man was in crisis (his mother had at one time even seized his firearms), there was little they could do.

A Tool - ERPO

Family members are often the first to know when loved ones are a danger to themselves or others. An Extreme Risk Protection Order (ERPO) is a tool that families, as well as law enforcement, can use to temporarily prohibit an individual who is engaging in dangerous behaviors from possessing or purchasing firearms. With ERPO, a family member or law enforcement petitions a judge for this disarmament, thereby protecting the individual, the family, and the community. By this intervention, ERPO creates a safer environment for the troubled individual to seek treatment (substance abuse or mental health) to address the underlying causes of the dangerous behaviors.

Based on the model of Domestic Violence Protection Orders, ERPO involves a court hearing and clearly defined due process protections. ERPO laws exist in Indiana, Connecticut, California, Washington state, and Oregon. Washington's ERPO law was enacted in 2016 by a voter initiative (69% support). A number of other states are considering such laws in 2018. Research on Connecticut data estimates that one life is saved for every 20 risk-warrants issued.

How does it work?

- A law enforcement officer or family member would request a civil court to issue an Extreme Risk Protection Order based on the facts they present through a formal, written application and a hearing before a judge.
- This is not a criminal complaint.
- At an initial hearing, the judge considers the information and assesses whether the person is at risk of harming himself or others. The judge may issue a temporary emergency (ex parte) ERPO for 21 days if the respondent (person identified as at-risk) is not present, whereupon the respondent must surrender firearms and ammunition for the duration of the order and is prohibited from purchasing firearms. Respondent may appeal the ERPO in writing.
- Before the temporary order expires, a subsequent hearing takes place in which both the petitioner (family or law enforcement) and the respondent have an opportunity to be heard and to address the charge of dangerousness. The court may determine the respondent is still dangerous and extend the protection order (prohibiting possession and purchase of firearms) for up to one year.
- Surrendered firearms may be held by a family member, friend (meeting background checks), law enforcement, sold to a federally licensed firearm dealer (FFL), or held by an FFL. If at the expiration of the order the respondent is not otherwise prohibited from a gun purchase and a new ERPO has not been issued, all firearms will be returned.