

EXTREME RISK PROTECTION ORDERS (ERPO)

A VIOLENCE PREVENTION TOOL FOR COLORADO

WHAT IS AN ERPO?

An ERPO is a civil court order issued by a judge that temporarily prohibits a person in crisis from possessing or purchasing firearms. ERPOs provide families and law enforcement officers with a formal legal process to temporarily remove an individual's firearms and reduce any further access to firearms if they pose a danger to themselves or to others.

HOW CAN AN ERPO HELP PEOPLE IN CRISIS STAY SAFE?

An ERPO requires temporary removal of guns from the subject of the order and prohibits new purchases for the duration of the order. This creates safer circumstances for the individual to seek treatment, stabilize their behavior, or access resources to address the underlying causes of their dangerous behaviors. A temporary ERPO can last up to 14 days, while a continuing ERPO is one year, and can be renewed beyond that.

WHO CAN PETITION?

By law, only these entities may petition for an ERPO:

FAMILY/HOUSEHOLDS — Petitioning for an ERPO can be an important first step to reduce the risk of harm to a loved one if he/she is experiencing a crisis and you think there is a strong likelihood that a loved one would harm themselves or others. Households include people related by blood, marriage, or who share a child in common, have resided with the respondent in the last six months, domestic partners, step-parents, step-children, grandparents, grandchildren, legal guardians, and past or present unmarried couples. You may also contact local law enforcement to return them of an unsafe situation.

LAW ENFORCEMENT — Obtaining an ERPO can be a proactive way to prevent violence and protect yourself and your fellow officers if someone is demonstrating signs of being dangerous, such as suicidal thoughts, aggression, public threats of violence, or other unsafe behavior with firearms. As a law enforcement officer, you can obtain a temporary ERPO or a one-year ERPO that can be renewed.

TEMPORARY ERPO

A temporary ERPO is a type of protection order available to law enforcement and family members, which may be obtained with the approval of the judge within one court day after it was filed. A hearing for a temporary order will be held on an "ex parte" basis (without notice to the respondent) within one court day of the filing of the petition.

If the judge finds cause to believe the respondent poses significant risk of causing personal injury to self or others in the near future by having access to a firearm, the judge shall issue a temporary order.

ERPO: READ THE BILL

HB19-1177 — Extreme Risk Protection Orders
Read a summary or the entire text at <http://leg.colorado.gov/bills/hb-1177>

Colorado Ceasefire is committed to educating the public and other stakeholders about Colorado's Extreme Risk Protection law. Information on brochures was paid for and distributed by Colorado Ceasefire Outreach.

Disclaimer: This is intended for informational purposes only. For legal assistance, please consult an attorney.



STEPS TO OBTAINING AN ERPO

- STEP 1** Request a petition from your local District or County Court or download the form online at: courts.state.co.us — Self-HelpForms. (Note: list will not be active until January 1, 2020, when law is scheduled to take effect.)
- STEP 2** Complete and submit the petition to a District or County Court in the county where the respondent (the person to be served with the ERPO) lives. There is no fee to file.
- STEP 3** If you file for a temporary ERPO, the court will hold a hearing on the petition within the next court day. The respondent will not be notified. The petitioner must attend in person or by phone depending on the circumstances. Within 14 days of the issuance of the temporary ERPO, the court will hold a hearing to determine whether the ERPO should be continued for a full year. The respondent will be notified of that subsequent hearing.
- STEP 4** If the court issues an ERPO, the order requires the respondent to immediately surrender any firearms in the respondent's custody or possession. Local law enforcement will serve the order together with any order for a future hearing.

GET INVOLVED

- **Attorneys** — While only law enforcement and family/household members may petition for an ERPO directly, as an attorney, you have an opportunity to advise or assist a client in obtaining an ERPO.
- **Eldercare** — As a caregiver, home visitor, or other elder care worker, you have an opportunity to advise a client or client's family if a client's gun ownership has become unsafe.
- **Faith-Based** — You may have an opportunity to connect with a fellow community member or congregation member if they are in crisis, or if someone in their family or household is in crisis or behaving violently.
- **Fiduciaries** — You have an opportunity to inform a client's family or law enforcement if a client's gun ownership has become unsafe. Doing so can help prevent gun violence.
- **Health Care Professionals** — Talking to patients about safe gun ownership and storage is a potentially life-saving action that can keep patients safe.
- **Mental Health Professionals** — As a mental health professional you have an opportunity to talk to a patient, patient's family, or law enforcement if a patient's firearm ownership has become unsafe.
- **Public Health Professionals** — If you are concerned that someone's firearm ownership may become violent or dangerous in the immediate future you may be able to go directly to law enforcement and they may obtain an ERPO if they deem it necessary.



THE FACTS

- 100,000 Americans are shot and injured each year.¹
- A victim of domestic violence is two-times more likely to be killed when an abuser has access to a gun.²
- Guns are used in approximately 50% of suicide deaths in the United States. The same is true for Colorado.³
- Access to a gun triples the risk of death by suicide.⁴
- Firearms are the most lethal of the commonly available means of suicide in the U.S. — 85% of suicide attempts using guns end in death, while less than 5% of non-firearm suicide attempts result in death.⁵

¹ Centers for Disease Control and Prevention. *Fire-Related Injury Statistics: Guns and Reporting System (ERSGARS): "Fatal Injury Reports," last accessed Feb. 20, 2019.* <http://www.cdc.gov/mmwr/preview/mmwrhtml/0000aa03.htm>. The CDC cautions that its estimates of firearm deaths appear may be "variable and potentially unreliable." To increase reliability of the data, in the next version of the tool recently available data (2017 to 2017) will be used.

² J. E. Campbell, et al. *Risk Factors for Domestic Violence Fatalities: Results from a Multi-Center Case-Control Study.* *American Journal of Public Health* 91, no. 7 (2001): 1038-1047.

³ Centers for Disease Control and Prevention. *Fire-Related Injury Statistics: Guns and Reporting System (ERSGARS): "Fatal Injury Reports," last accessed Feb. 20, 2019.* <http://www.cdc.gov/mmwr/preview/mmwrhtml/0000aa03.htm>. The CDC cautions that its estimates of firearm deaths appear may be "variable and potentially unreliable." To increase reliability of the data, in the next version of the tool recently available data (2017 to 2017) will be used.

⁴ Andrew Reingen, Tom Henthorn, and George Rutherford. *The Availability of Firearms and Risk for Suicide and Homicide Victimization among Hospitalized Veterans: A Secondary Review and Meta-analysis.* *Journal of Interpersonal Violence* 34, no. 12 (2019): 40-50.

⁵ Centers for Disease Control and Prevention. *Fire-Related Injury Statistics: Guns and Reporting System (ERSGARS): "Fatal Injury Reports," last accessed Feb. 20, 2019.* <http://www.cdc.gov/mmwr/preview/mmwrhtml/0000aa03.htm>. The CDC cautions that its estimates of firearm deaths appear may be "variable and potentially unreliable." To increase reliability of the data, in the next version of the tool recently available data (2017 to 2017) will be used.