

Extreme Risk Protection Orders (ERPOs): What We Know Works

What are Extreme Risk Protection Orders?

Extreme risk protection orders (ERPOs), also known as red flag laws, are a tool to prevent firearm violence, including mass shootings, suicides, and fatal and nonfatal firearm assaults.

- An ERPO is a civil court order that temporarily prohibits firearms purchase and possession by someone at imminent risk of harming themselves or others.
- ERPOs are designed to be petitioned for and issued when an individual is at high risk of using violence against self or others, as evidenced, for example, by behaviors, statements, or writings.

ERPOs can involve a two-stage process that includes **a short-term order (between 7 days and a month, depending on the state)** and **a longer-term order that in most states lasts up to one year**. At both stages, a judge evaluates the evidence to determine if it meets statutory requirements for granting the order.

- Different from Personal Protection Orders, which are issued to protect a specific individual from another specific individual, generally an intimate partner, ERPOs can also be used when a person is a danger to others outside the family or are a threat to themselves.
- A large majority of ERPO petitions cite a risk of suicide

19 states and Washington, DC have enacted ERPO laws.

- 13 of these states allow family or household members in addition to law enforcement to petition for an ERPO.
- Some states allow mental health providers (Maryland and DC), school administrators and certain categories of health care workers (New York), and medical professionals, coworkers, and educators (Hawaii) to petition for ERPOs.
- In all states, orders can be issued *ex parte* (without notice to the respondent) and/or after notice and a hearing (referred to as final orders). *Ex Parte* orders differ from final orders in duration and, in some states, evidentiary standards. Final orders last up to a year (up to six months in Illinois, Vermont, and Virginia) and can be terminated early and renewed.

What is the evidence base for ERPOs?

- Due to the newness of ERPO laws (most being enacted after 2016), more research is needed to understand the effect that these laws have on reducing firearm injury and death, and the best implementation strategies needed to be the most effective
- Early research indicates that **ERPOs may decrease risk of suicide**
- While mass shootings are rare events, their prevention is a priority, and ERPO laws are largely considered to be a viable prevention strategy. **Studies have shown that ERPOs are being used in response to mass shooting threats.**
- **Studies have shown that ERPO petitions and orders are overwhelmingly being used as intended**, that is, specifically for cases of imminent risk of harm to self or others in which the evidence meets statutory standards.

What are some best practices to consider when enacting ERPO legislation?

- ERPO legislation should be **clear about the authority each implementer** (e.g., law enforcement, judges) has and their role in ERPO implementation.
- **Training of law enforcement is needed** so that they understand their role, when it is appropriate to petition for an ERPO, the process for implementation of orders (including service of orders and firearm removal), and the benefit of ERPOs to keep individuals, families, and communities safe.
- **Training of judges is needed** so that they understand the state's standard of evidence for allowing an ERPO to be granted.
- **Greater dissemination of public information about ERPOs may increase their appropriate use and the proportion of high-risk individuals and families who may benefit.** Family members may not know that ERPOs are available as a tool to keep themselves and their loved ones safe in times of crisis, especially with a suicidal family member.
- Legislation should be explicit on how **firearms that are relinquished should be stored outside of the home.**
- **ERPOs are a live-saving tool, not a criminal tool** – this should be considered when illegal firearms are part of the relinquishment or illegal activity is witnessed during service of the order and firearm relinquishment.
- Removing firearms from an individual in crisis **is not going to end their crisis, but it may save lives.** Individuals and families should also be connected with resources and public health services when an ERPO is granted or stipulated to.

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