

# Upstream Violence Prevention: The Role of Extreme Risk Protection Orders in Mitigating Gun Violence

Co-hosted by FTAP and AEquitas IPS



Firearms Technical Assistance Project



Presented by members of the Domestic Violence Firearms Enforcement Unit of the King County, WA Prosecuting Attorney's Office and researchers from the Johns Hopkins Center for Gun Violence Solutions

# Disclaimers:

- ▶ *This project was supported by 2016-TA-AX-K043 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this document are those of the authors and do not necessarily reflect the views of the U.S. Department of Justice, Office on Violence Against Women.*
- ▶ *This project was also supported by Grant No. 2020-YX-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

# Learning Objectives

As a result of this presentation, participants will be better able to:

- ▶ Understand the purpose and scope of extreme risk protective orders
- ▶ Incorporate extreme risk protective orders into existing protective order practice



# Extreme Risk Protection Orders (ERPO)

- *Dr. Shannon Frattaroli, PhD, MPH*
- *Lisa Geller, MPH*



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Gun Violence Solutions**

# Agenda

- Overview of ERPOs
- Discussion of ERPO research
- Implementation Strategies
- Q&A



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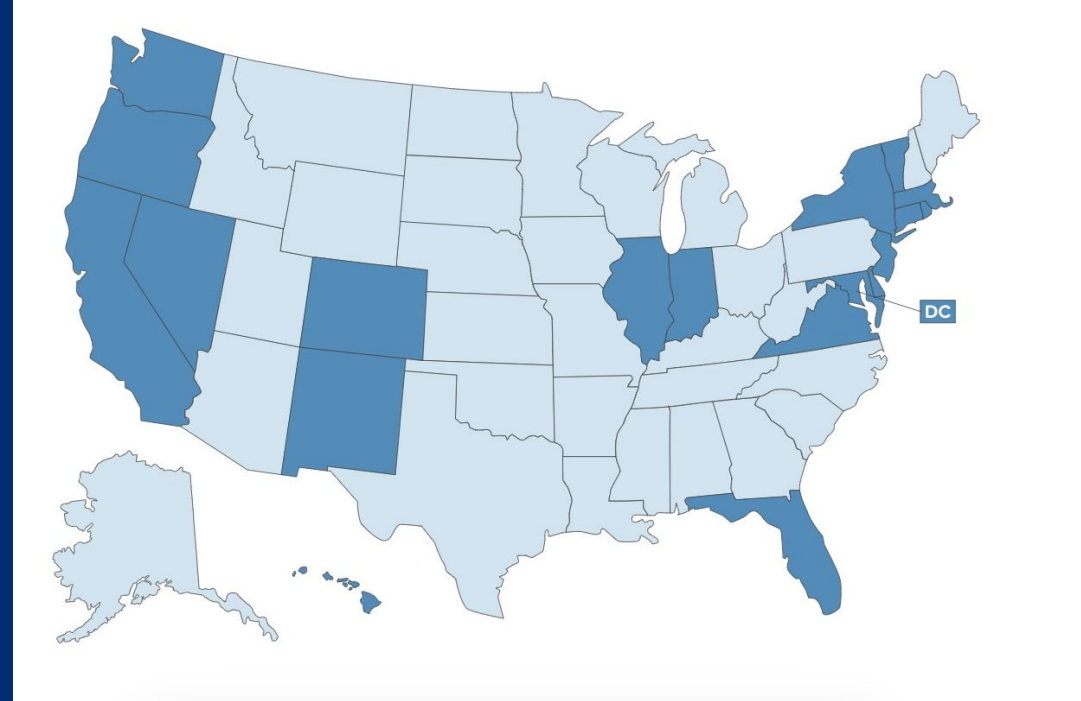
# Overview of ERPOs - 1

- ERPOs are civil orders modeled off of domestic violence protection orders
- ERPO petitioners always include law enforcement, can include others such as family/household members, intimate partners, and healthcare providers
- ERPOs solely address access to firearms
- There are usually two types of ERPOs:
  - Ex parte, or temporary orders, that usually last up to two weeks
  - Final orders that usually last up to a year



# Overview of ERPOs - 2

- California passed the first modern-day extreme risk law (called a gun violence restraining order or GVRO) in 2014
- As of September 2022, 19 states and DC have extreme risk laws



# Overview of ERPOs - 3

When deciding whether to issue an ERPO, courts should consider evidence-based criteria, **not a mental health diagnosis**, and whether the risk of violence is imminent. The evidence a judge may consider when issuing an order for firearm removal varies among states. It generally includes, but is not limited to:

- Recent acts or threats of violence towards self or others.
- History of threatening or dangerous behavior.
- History of, or current, risky alcohol or controlled substance use.
- Recent violation of a domestic violence protective order.
- Unlawful or reckless use, display, or brandishing of a firearm.
- Cruelty to animals.



## Who is an Extreme Risk Protective Order filed against?

A person who poses an immediate and present danger of causing personal injury to self or others by having firearms. The person who is alleged to be a danger is called the **respondent**.

Factors demonstrating possible risk include:

- alarming behavior and statements;
- unlawful firearm possession;
- reckless or negligent firearm use;
- violence or threats of violence to self or others;
- violating peace or protective orders;
- drug and/or alcohol abuse; and/or
- information contained in health records.

An Extreme Risk Protective Order can be filed against a minor.

Maryland District Court ERPO information.

Available: <https://mdcourts.gov/district/ERPO>

5. Relevant evidence for the Court's consideration is detailed in the attached affidavit(s) that demonstrates the Respondent:

- ☐ was involved in a recent act or threat of violence against themselves or others;
- ☐ engaged in an act or threat of violence, including but not limited to acts or threats of violence against themselves, within the past 12 months;
- ☐ may be seriously mentally ill or may have recurring mental health issues;
- ☐ has violated a risk protection order or no contact order issued under section(s) 741.30, 784.046, or 784.0485, Florida Statutes;
- ☐ is the subject of a previous or existing risk protection order;
- ☐ has violated a previous or existing risk protection order;
- ☐ has been convicted of, had adjudication withheld on, or pled *nolo contendere* in Florida or in any other state to a crime that constitutes domestic violence as defined in s. 741.28, Florida Statutes;
- ☐ has used, or threatened to use, against themselves or others, any weapons;
- ☐ has unlawfully or recklessly used, displayed, or brandished a firearm;
- ☐ has used, or threatened to use on a recurring basis, physical force against another person or has stalked another person;
- ☐ has been arrested for, convicted of, had adjudication withheld, or pled *nolo contendere* to a crime involving violence or a threat of violence in Florida or in any other state;
- ☐ has abused or is abusing controlled substances or alcohol;
- ☐ has recently acquired firearms or ammunition;
- ☐ is required to possess firearm(s) and/or ammunition in the scope and duties of their occupation;
- ☐ has been the subject of proceedings under the Baker Act or Marchman Act;
- ☐ other (Additional relevant information may be included as attached exhibits. This may include reports or conclusions from a threat assessment team.).

Florida risk protection order petition.

Available: <https://www.flcourts.org/content/download/428513/file/petition-for-risk-protection-order.pdf>



# ERPO Research



## ERPO Use in Select States: Some Numbers

California (January 1, 2016, to December 31, 2019)

- 1,094 respondents to GVROs, 725 orders served

Washington state (December 8, 2016 - May 10, 2019)

- 238 orders filed

Colorado (January 2020 - December 2020)

- 66 temporary orders, 49 364-day orders

Virginia (July 2020 - June 2021)

- 129 emergency risk orders, 73 final orders

Maryland (October 2018-September 2021)

- Approximately 1500 orders files

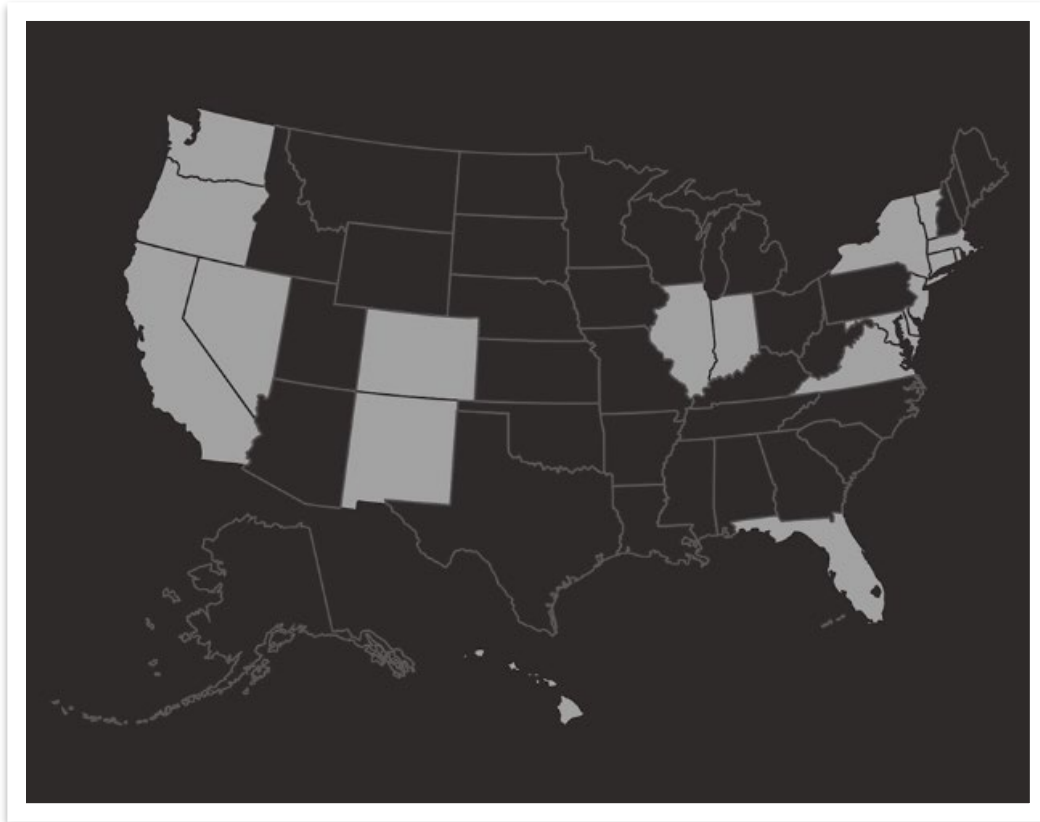


## Reminder: State ERPO Laws are Similar, Not the Same

One nuance to note among the 19 states and DC

Authorized petitioners:

Law enforcement  
Family and partners  
Household members  
Clinicians  
School administrators  
Employers and coworkers



# Promising Evidence: ERPO and Suicide

## Hypothesis Testing: Do ERPO laws result in less gun violence?

- ▶ Few studies based on CT and IN
- ▶ Promising evidence suggesting some suicide deaths prevented

## Descriptive: How are ERPO laws being implemented?

- ▶ Increasing number of studies on CA, CO, CT, MD, OR, WA
- ▶ Great variation among and within states with regard to uptake
- ▶ Petitioners are almost always law enforcement (except for MD)
- ▶ ERPO is used in response to threats of self harm and/or violence against others
- ▶ Evidence of ERPO being used in response to mass shooting threats

Coming Soon: 6 State analysis of ERPO petitions


# A Comment on ERPO Petition Content...



# Equity Considerations: An Ongoing Discussion; Emerging Evidence

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Extreme risk protection orders, race/ethnicity, and equity: Evidence from California

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ABSTRACT

Extreme risk protection orders (ERPOs) provide a civil mechanism to temporarily remove firearm access from individuals at high risk of harming themselves or others. Evidence and theory suggest that ERPOs can prevent firearm-related harm, but the policy's impact on racial/ethnic equity is largely unknown. To examine potential inequities by race/ethnicity in public perceptions and use of California's ERPO law, we drew on two complementary data sources: 1) a 2020 state-representative survey of California adults, and 2) ERPO court documents for the first 3 years of policy implementation (2016–2018). Majorities (54–69%) of all racial/ethnic groups reported that ERPOs are at least sometimes appropriate, and 64–96% were willing to ask a judge for an ERPO for a family member. However, Black and Hispanic/Latino survey participants less often perceived ERPOs as appropriate and were less willing to serve as petitioners, with Black participants citing lack of knowledge about ERPOs and not trusting the system to be fair as their top reasons for unwillingness. Similarly, review of ERPO court documents revealed that no family or household members served as petitioners for Black and Hispanic/Latino ERPO respondents. Additionally, Black respondents were the least likely to have documented access to a firearm and legal representation in court. Racial/ethnic equity in ERPO use may be improved by reducing barriers to petitioning, incorporating non-law enforcement intervention professionals like behavioral health specialists into the ERPO process, providing legal assistance to respondents and petitioners, and investing in the social safety net.

**1. Introduction**

Firearm violence resulted in nearly 45,000 deaths and many more nonfatal injuries in the United States in 2020.(Web-based injury statistics query and reporting system, 2005) The social construction of racial hierarchies as a tool for oppression has created stark racial/ethnic inequities in the burden of firearm-related harm. Black boys and men are >10 times as likely to die by firearm homicide as their white peers,(Web-based injury statistics query and reporting system, 2005) and suicide rates are increasing more rapidly among Black youth than among other young people.(Gray et al., 2021; Lindsey et al., 2019) The spike in firearm purchasing during the coronavirus pandemic, which diversified the population of new firearm owners, along with pandemic-related

disruptions to key social services and worsening community conditions for safety have contributed to increased firearm violence risk, with Black individuals and other minoritized people disproportionately affected.(Miller et al., 2021; Schleimer et al., 2022) There is a clear need to examine firearm violence prevention policies and their use through a racial equity lens.

Extreme risk protection orders (ERPOs)—called gun violence restraining orders (GVROs) in California or, colloquially, “red flag” orders—show promise in preventing firearm violence.(Dowd et al., 2015; Swanson et al., 2017; Kivimäki and Pihl, 2013) but their use (or lack thereof) has largely unknown implications for equity. ERPOs are civil restraining orders that temporarily prevent firearm access from individuals at high risk of harming themselves or others with a firearm.

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# ERPO in Clinical Settings



# Clinicians as ERPO Petitioners - 1

## Maryland: Medical Professionals

- physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or health officer or designee of a health officer who has examined the individual

## District of Columbia: Mental Health Professionals

- physician; psychologist; licensed social worker; professional marriage, family, or child counselor; rape crisis or sexual abuse counselor who is supervised by one of the authorized clinicians; licensed professional psychiatric nurse

## Hawaii: Medical Professionals

- physician, psychologist, advanced practice registered nurse

## Clinicians as ERPO Petitioners - 2

### Connecticut: Medical Professionals

- physician, physician assistant, advance practice registered nurse, psychologist, clinical social worker

### New York

- physician, psychologist, registered nurse, certified clinical nurse specialist, certified nurse practitioner, registered professional nurse, licensed clinical social worker, licensed clinical marriage and family therapist, licensed master social worker or licensed mental health counselor who has treated the respondent in the 6 months immediately preceding the ERPO petition

# Survey Findings: One Hospital in Maryland

- ▶ 92 responded of 353 invited (26% response rate)
- ▶ One respondent reported filing an ERPO
- ▶ Low knowledge of ERPO
- ▶ Frequent encounters with potentially eligible patients
- ▶ More than half expressed a willingness to use ERPO

Table 1. Respondents' Familiarity With Maryland's ERPO Law and Their Opportunity and Likelihood of Use, by Specialty

Question	Respondents, No. (%)			
	Emergency Medicine (n = 26)	Pediatrics (n = 16)	Psychiatry (n = 50)	Total (N = 92)
How familiar are you with ERPOs?				
Very familiar	2 (7.7)	0	2 (4.0)	4 (4.3)
Somewhat familiar	1 (3.8)	0	5 (10.0)	6 (6.5)
A little familiar	3 (11.5)	3 (18.8)	10 (20.0)	16 (17.4)
Not at all familiar	20 (76.9)	13 (81.3)	33 (66.0)	66 (71.7)
How often do you estimate you encounter a patient at extreme risk of violence or suicide who you would consider for an ERPO?				
Daily	3 (11.5)	0	0	3 (3.3)
Weekly	9 (34.6)	0	2 (4.0)	11 (12.0)
Monthly	6 (23.1)	2 (12.5)	10 (20.0)	18 (19.6)
A few times per year	8 (30.8)	11 (68.8)	34 (68.0)	53 (57.6)
Never	0	3 (18.8)	4 (8.0)	7 (7.6)
How likely would you be to file a petition against a patient at extreme risk of violence or suicide?				
Very likely	4 (15.4)	1 (6.3)	10 (20.0)	15 (16.3)
Somewhat likely	13 (50.0)	6 (37.5)	21 (42.0)	40 (43.5)
Somewhat unlikely	5 (19.2)	6 (37.5)	14 (28.0)	25 (27.2)
Very unlikely	4 (15.4)	3 (18.8)	5 (10.0)	12 (13.0)



# Survey Findings: One Hospital in Maryland

**Table 2. Barriers and Facilitators to Physicians' ERPO Use**

Question	Respondents, No. (%)			
	Emergency Medicine (n = 26)	Pediatrics (n = 16)	Psychiatry (n = 50)	Total (N = 92)
What barrier(s) prevent you from being able to file an ERPO petition? Check all that apply. <sup>a</sup>				
Not enough time to complete paperwork	20 (76.9)	11 (68.8)	26 (53.1)	57 (62.6)
Not enough time to attend hearing at courthouse	23 (88.5)	11 (68.8)	30 (61.2)	64 (70.3)
Not a billable service	3 (11.5)	1 (6.3)	6 (12.2)	9 (9.9)
It may negatively affect my relationship with the patient	3 (11.5)	7 (43.8)	26 (53.1)	36 (39.6)
I don't think clinical providers should file ERPO petitions	1 (3.8)	3 (18.8)	2 (4.1)	6 (6.6)
Other	9 (34.6)	6 (37.5)	17 (34.7)	32 (35.2)
What tool(s) would help you file an ERPO petition? Check all that apply.				
Training on ERPO	22 (84.6)	16 (100.0)	41 (82.0)	79 (85.9)
Consultation with legal expert	19 (73.1)	10 (62.5)	30 (60.0)	59 (64.1)
A trained coordinator to complete and follow through the petition	25 (96.2)	15 (93.8)	40 (80.0)	80 (87.0)
Remote court hearings (ie, can join by phone)	21 (80.8)	8 (50.0)	39 (78.0)	68 (73.9)
Other	3 (11.5)	1 (6.3)	2 (4.0)	6 (6.5)

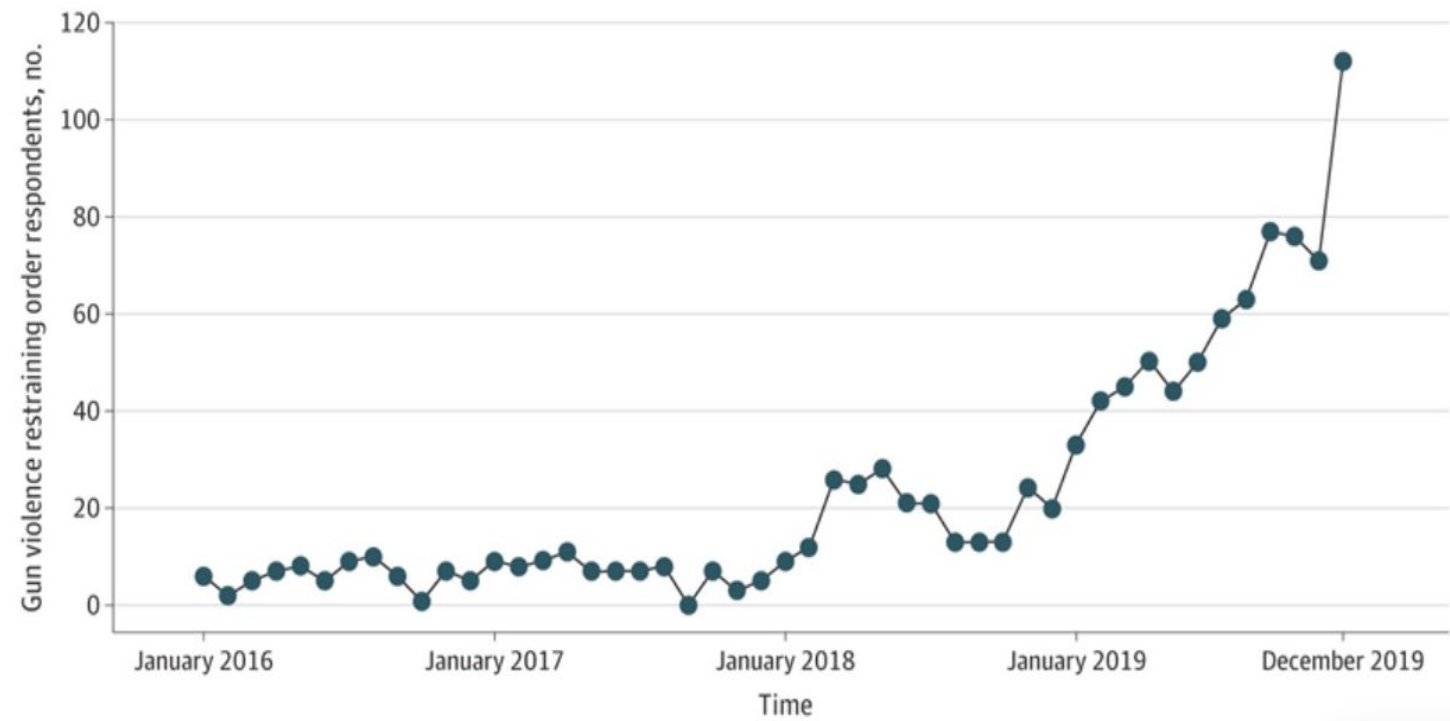
- ▶ Time cited as the major barrier to ERPO use; some concerns about impact on relationship with patients
- ▶ Strategies for addressing barriers identified
  - ▶ A designated clinical coordinator to file petitions and testify in court
  - ▶ ERPO training
  - ▶ Legal consult
  - ▶ Remote testimony option

# Implementation Matters!



# Increased use of Extreme Risk Laws in California

**Figure 1. Counts of Gun Violence Restraining Order Respondents by Month, 2016 to 2019**



*Pallin R, Schleimer JP, Pear VA, Wintemute GJ. Assessment of Extreme Risk Protection Order Use in California From 2016 to 2019. JAMA Netw Open. 2020;3(6):e207735. doi:10.1001/jamanetworkopen.2020.7735*

# Reflections on the ERPO Experience to Date

- ▶ Among the states
  - ▶ Great variation among and within the states with regard to uptake
  - ▶ Petitioners are almost always law enforcement (except in Maryland); clinicians are rarely petitioners but do initiate LE contact that leads to ERPO
  - ▶ Descriptive studies to date
    - Evidence of ERPO being used in response to mass shooting threats, suicide, and interpersonal violence
  - ▶ Implementation tends to be at the local level, associated with champions who build the infrastructure
  - ▶ Implementation models are present in localities across the states
  - ▶ Opportunity with the Bipartisan Community Safety Law


# ERPO Implementation

Successful ERPO implementation must include...

1. Awareness
2. Outreach Efforts
3. Training
4. Compliance and Enforcement
5. Working Groups
6. Enforcement Units
7. Funding
8. Evaluation
9. Data sharing



# Additional Information



Bloomberg American Health Initiative

HOME STATE LAWS ERPO FAQ VOICES RESOURCES ABOUT

EXTREME RISK PROTECTION ORDER:  
A TOOL TO SAVE LIVES

ERPO laws are helping to prevent gun deaths and protect communities. Their implementation – in 19 states and the District of Columbia – is part of a national effort to reduce the daily loss of life due to firearm violence, including gun suicide.

This evolving resource will be frequently updated to help implementers take action – and save lives.

...let three...  
...man who grabbed a...  
...he threatened to kill himself, his wife, and their young...  
...ol. A 28-year-old man who grabbed a gun case and threatened outside. When his ex-girlfriend tried to call for help, he grabbed i...  
...need into a wall. Police seized two handguns, two rifles, and a shotgun. A 35-year-old man who locked his wife in a car with him...  
...Department arrived on the scene and searched the car. They found a walk size along with two loaded firearms that did not belong to...  
...ago. A 35-year-old man with a small arsenal and a history of domestic violence, whose wife suffered a serious laceration to her fo...  
...a pistol, a Remington semi-automatic pistol, a Ruger .22, a Springfield 48 caliber pistol, a Ruger rifle, a Mossberg shotgun, and an...  
...d by text message that he wanted to shoot her in the head, then visited his fiancé's ex-boyfriend and threatened to kill him while hol...  
...d a handgun and an AR-15, the semi-automatic rifle frequently used by many shooters. A 25-year-old ex-Marine who had developed a para...  
...also as wife's store with a loaded handgun, but called police before shooting anyone. A 35-year-old man who, while intoxicated (at t...  
...ing at recesses and rats in his backyard. Terrified neighbors called police as bullets flew into their backyards. A 68-year-old man who...  
...s family discovered he was molesting his grandchild. The man was arrested with the gun in his vehicle. A 66-year-old man who threatened...  
...s wife. His wife had overheard his distraught and crying in the bathroom, and cocking his .48 caliber pistol. A 35-year-old man...  
...had tried to call for help. He grabbed her by her hair, threw her on the ground, and pushed her head into a wall. Police...  
...man who locked his wife in a car with him, threatening her with a loaded firearm. When the Police Department arrived...  
...two loaded firearms that did not belong to him. He later surrendered a Glock...  
...to suffered a serious laceration to her forehead...  
...d, a Ruger rifle, a Mossberg shotgun, and an un...  
...-boyfriend and threatened to kill him v...  
...and. A 25-year-old ex-Marine who had de...  
...ng anyone. A 35-year-old man who, while...  
...bullets flew into their backyards. A 68-ye...  
...with the gun in his vehicle. A 35-year-old s...  
...room, and cocking his .48 caliber pistol. A 25...  
...raw her on the ground, and pushed her he...  
...with a loaded firearm. When the Police...  
...s surrendered a Glock 191 and a .38 S&W...  
...red he might kill her. The man owned a f...  
...3 handgun. A 45-year-old man who told hi...  
...a knife behind his back. The man surren...  
...that all males wanted to harm him. He ha...  
...let three times the local police, believ...  
...who grabbed a .38 revolver and tied hi...  
...osed to kill himself, his wife, and their...  
...man who grabbed a gun case and threatene...  
...all. Police seized two handguns, two rif...  
...arrived on the scene and searched the c...  
...year-old man with a small arsenal and a...  
...Remington semi-automatic pistol, a Ruger...  
...stated that he wanted to shoot her in the...  
...an AR-15, the semi-automatic rifle fre...  
...arts store with a loaded handgun, but c...  
...one and rats in his backyard. Terrified

Search: Implement ERPO AND Bloomberg American Health Initiative

# The Regional DV Firearms Enforcement Unit



Regional Domestic Violence Firearms Enforcement Unit

# Introductions

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## **Regional Domestic Violence Firearms Enforcement Unit**

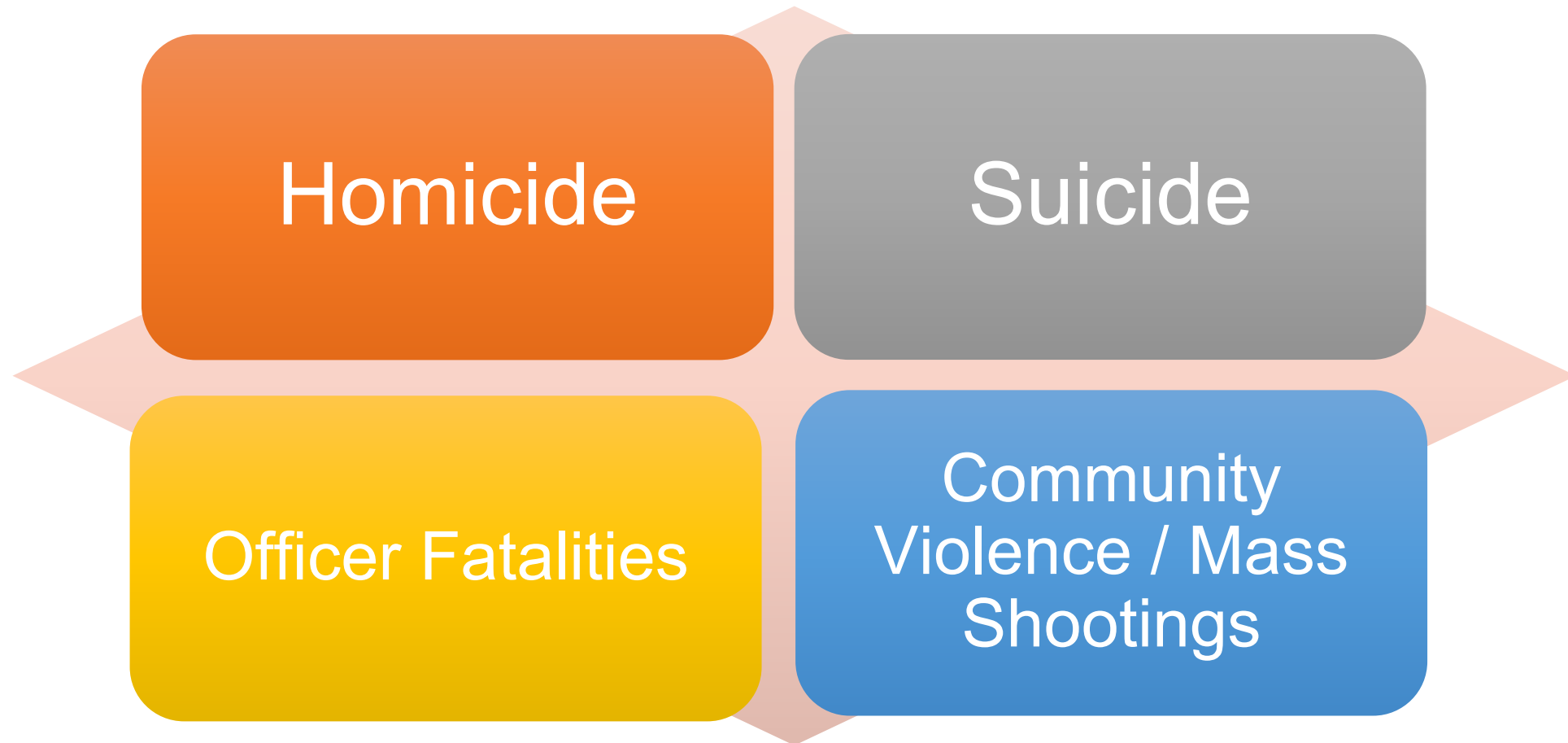
- Alyssa Shaw (she/her), MSW, Extreme Risk Protection Order Advocate
  - Seattle City Attorney's Office
- Kimberly Wyatt (she/her), JD, Senior Deputy Prosecuting Attorney
  - King County Prosecuting Attorney's Office
- Shaya Calvo (he/him), JD, Senior Deputy Prosecuting Attorney
  - King County Prosecuting Attorney's Office



# **Regional Domestic Violence Firearms Enforcement Unit**

- Collaboration with 4 main partners:
  - King County Prosecuting Attorney's Office
  - Seattle City Attorney's Office
  - King County Sheriff's Office
  - Seattle Police Department

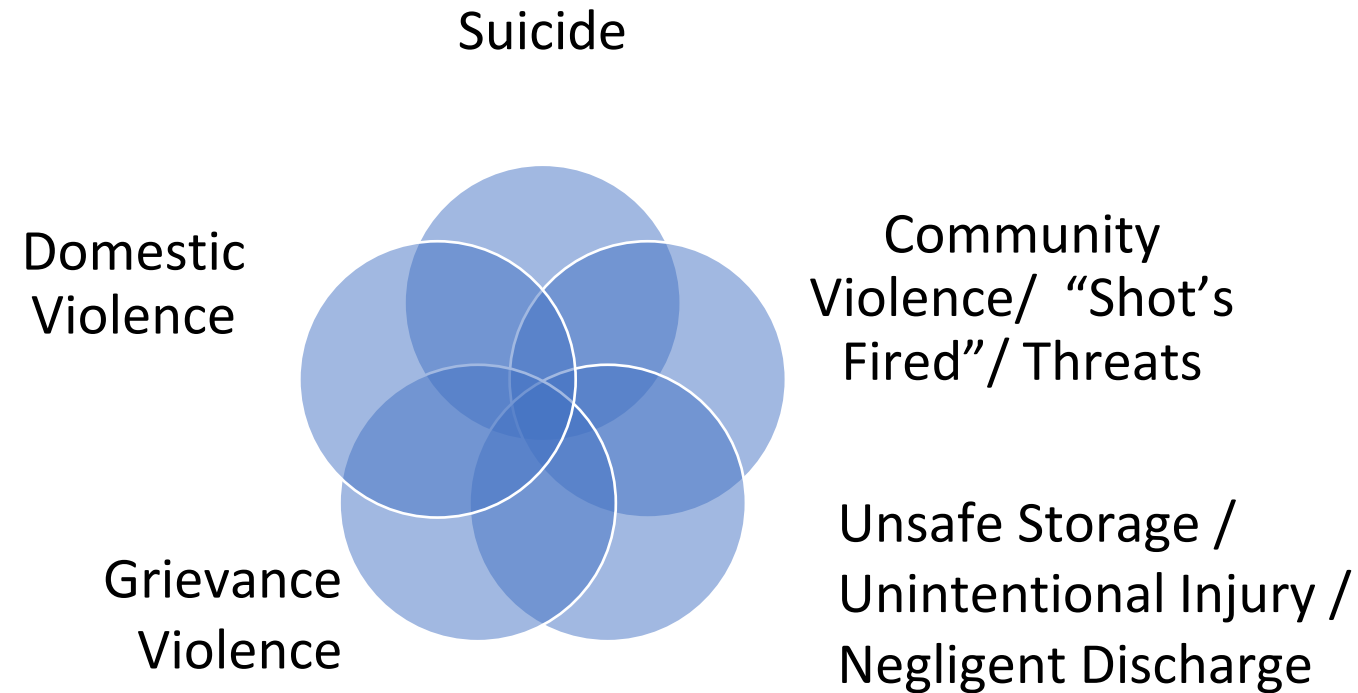
# ***Goal: Prevention and Harm Reduction***



# Mission

- To reduce gun violence and increase victim and community safety through regional collaboration and proactive enforcement of firearms laws.

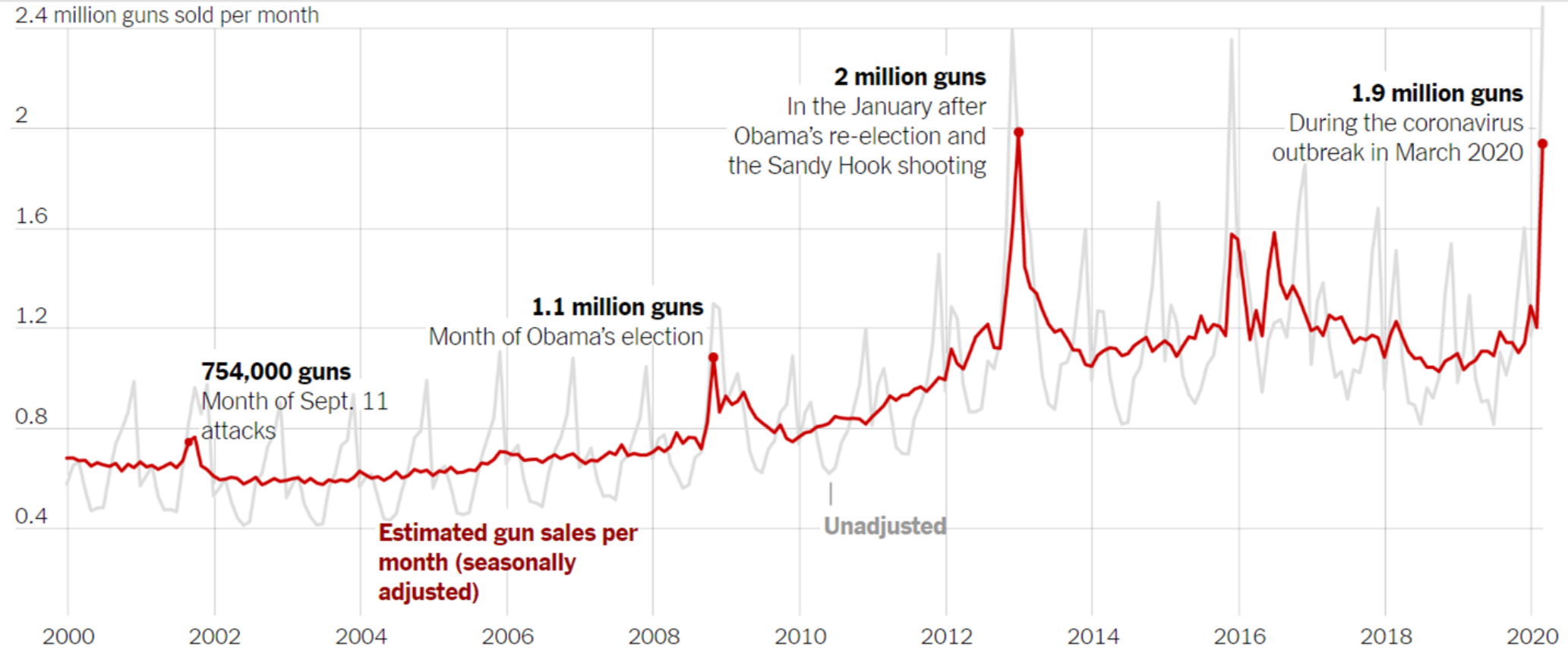
# Intersectionality of Firearm Violence



# COVID-19 and Guns

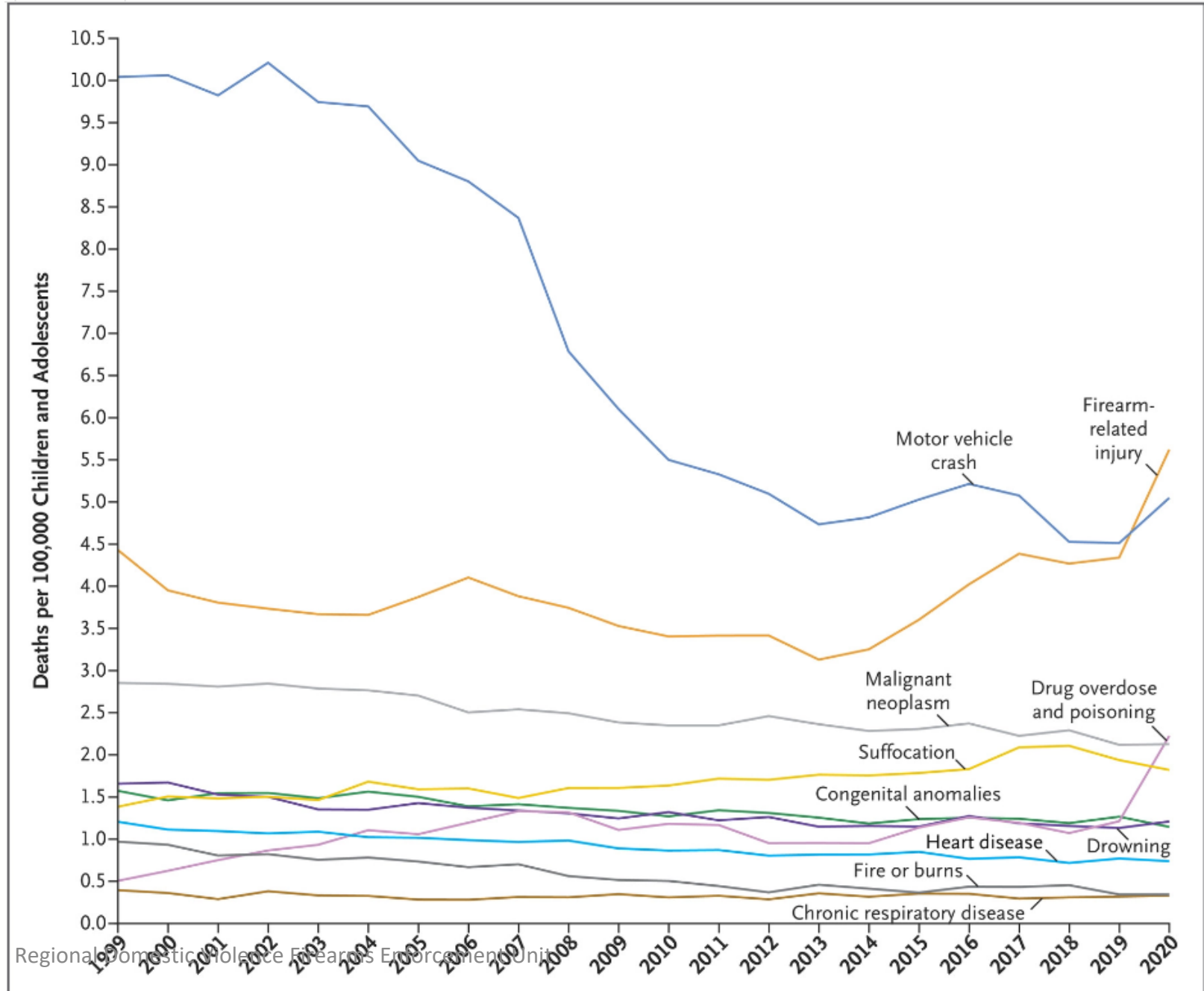
The New York Times

SUBSCRIBE



Americans bought about two million guns in March, according to a New York Times analysis of federal data. It was the second-busiest

**CDC data shows firearms the leading cause of death for children for the first time in 2020**



# Parkland, Florida



# Extreme Risk Protection Order

A civil court order that temporarily prevents individuals who are at a high risk of harming themselves or others from accessing firearms & concealed pistol license (CPL)



# Preventing Future Gun Violence

ERPO is a tool to allow families and law enforcement to prevent harm, rather than wait until a crisis escalates to a tragedy

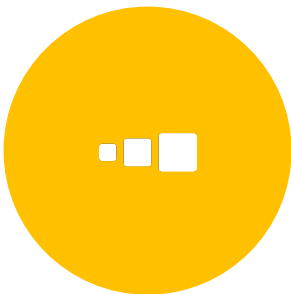
# Extreme Risk Protection Order (ERPO)



Enacted by citizen's initiative, December 2016, RCW 7.105



4<sup>th</sup> State to have an ERPO law

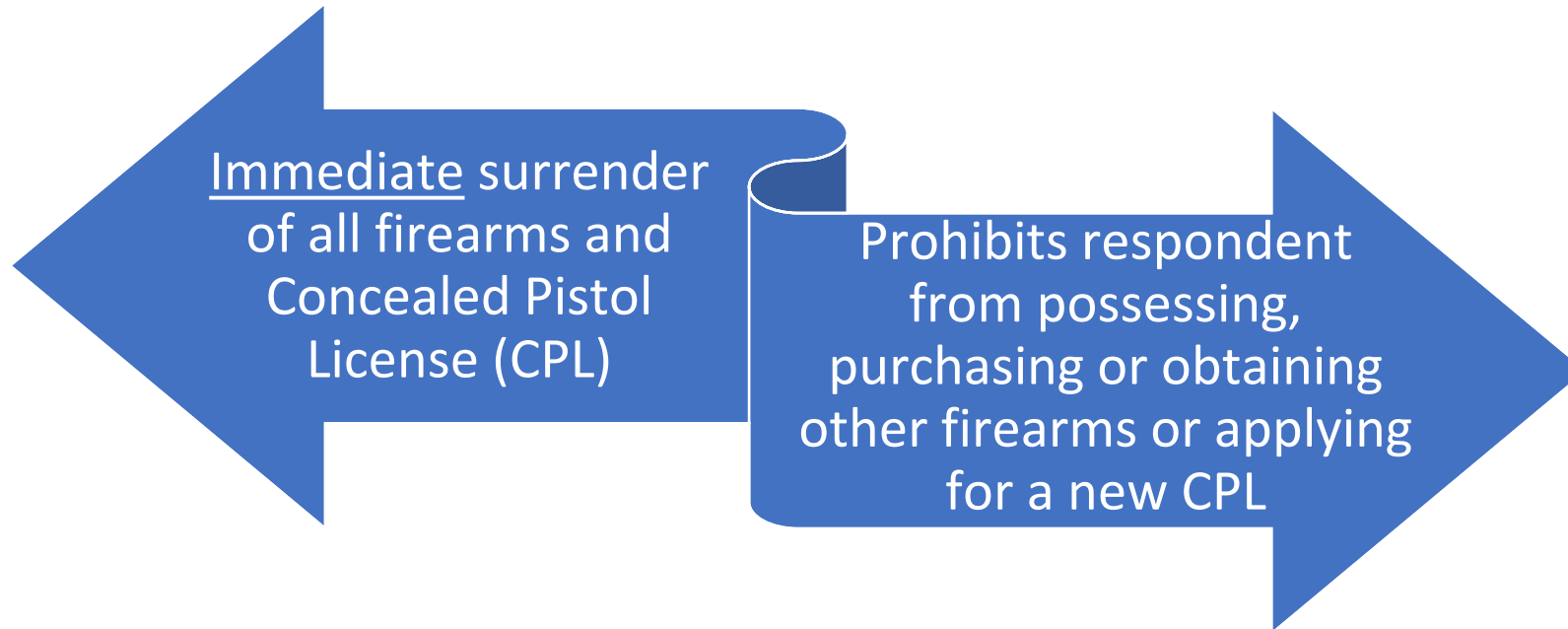


Only a handful of ERPOs filed statewide (from 2016-2018)



Temporary ERPO — up to 14 days and the full ERPO 1 year (renewable)

# ERPOs Offer Two Prongs of Relief



# Who May File for an ERPO

- Law Enforcement  
or
- Family or household member
  - Persons related by blood, marriage or adoption to the respondent
  - Dating partners of the respondent
  - Child in common with the respondent
  - Roommate within the last year
  - Biological or legal parent-child relationship (stepparents/ grandparents/ grandchildren
  - Legal guardians

# Laws Do Not Implement Themselves



# Need for ERPO Education

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- Increase public awareness of ERPO as a tool
  - Families
  - Law enforcement



# Early Challenges

- Education and Training
- Standing for Prosecutors
- Data/Stats
- Search warrant templates



FILED  
KING COUNTY WASHINGTON

AUG 24 2018

SUPERIOR COURT CLERK  
BY Dawn Tubbs  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

IN RE THE MATTER OF:

No. 18-2-12050-1SEA

AMICUS APPEARANCE OF THE KING  
COUNTY PROSECUTING ATTORNEY'S  
OFFICE IN FIREARM PROTECTION ORDER  
MATTERS

MOTION FOR GENERAL ORDER TO  
APPEAR AS AMICUS CURIAE AT  
FIREARM COMPLIANCE REVIEW  
CALENDAR AND EXTREME RISK  
PROTECTION ORDER CALENDAR

I. MOTION

The King County Prosecutor's Office ("KCPAO") hereby moves for a general order permitting the prosecutor's office to participate as amicus curiae (1) at the firearms compliance review calendar, and (2) at the extreme risk protection order calendar. As amicus, KCPAO will endeavor to provide the court with relevant factual information and its legal analysis regarding 1) compliance review hearings under RCW Ch. 9.41, and 2) Extreme Risk Protection Order matters.

II. INTEREST OF KCPAO

Under RCW 36.27.020(11), county prosecutors have a duty to "[s]eek to reform and improve the administration of criminal justice *and stimulate efforts to remedy inadequacies or*



# ERPO Case Types

- Threats of self-harm
- Threats to others
- Threats to self and others

# Different Uses of ERPO

- **Cases of suicidal ideation- self-harm**
- **Crisis related behaviors**
- **Threats to others**
  - Grievance violence
    - Workplace threats
    - School threats
    - Threats of mass violence

## Case Examples: Threats to Others

- Law enforcement filed an ERPO in conjunction with a criminal case on an individual who identified as a sovereign citizen, made comments to law enforcement about wanting to shoot innocent people and kill law enforcement.
- Law enforcement filed an ERPO against an airport employee who made threats to have a massacre at the airport and to shut the airport down.

# Washington state home to one of the largest cells of notorious white supremacist groups

*Seattle Times*

## Atomwaffen Division



Regional Domestic Violence Firearms Enforcement Unit

# Seattle Police v. Kaleb Cole



Law enforcement officials say they obtained this image from Kaleb Cole's cell phone. Cole appears on the left. Police say he is a self-proclaimed member of a neo-Nazi group called Atomwaffen Division.

Regional Domestic Violence Firearms Enforcement Unit

## Guns recovered during service of the Temporary ERPO Order





“One ticket  
for Joker  
please”



Regional Domestic Violence Firearms Enforcement Unit

# Case Examples: Threats to Others

## **Threats to the workplace:**

- Respondent was in the process of termination from his employer. He posted online threats to kill his supervisors. ERPO used to intercept his pending firearm sale.
- Law enforcement filed an ERPO against a respondent who was employed at Amazon Fresh. He was making references to a mass shooting, had access to firearms, and made references to domestic terrorism.



# Case Examples: ERPO and Threats of Self-Harm

- **Parents called 911 when their adult son put a firearm to his head and threatened to kill himself. Law enforcement responded and secured the firearms in the home.**
- **Family member reached out to our unit with concerns that their loved one was in the process of buying a firearm with the intent to kill themselves. Law enforcement filed an ERPO and were able to intercept the *pending firearm* sale.**
- **Young woman tried to take her life by slitting her wrists. Police arrived, helped remove bleeding woman from her house and transported her to hospital. Once police left residence, they realized the woman had a firearm. Firearm was removed and ERPO was used to keep it from woman who was in crisis. In Court woman's father thanked police, prosecutor and judge for saving his daughter's life.**

# Case Examples: ERPO and Crisis Behaviors

- Neighbors called 911 after they observe an individual that displayed dozens of firearms on his front lawn with firearm clips and ammunition. The firearms were displayed near a busy sidewalk where children were playing nearby.
- Respondent was experiencing paranoid and delusional behaviors. He believed that someone was breaking into the home. He discharged multiple rounds into the home- including shooting at the door.





# **Secret Service report “Averting Targeted School Violence” (2021)**

- 96% of school violence perpetrators use firearms
  - 70% of these, the plotter had access to a family member’s firearm in their home
  - 63% their access to a firearm was unimpeded
- 94% of attackers shared their intentions about carrying out the attack
  - 69% of those expressed intentions to friends, classmates, peers
  - 19% expressed intention to adults (school employees, family, and other trusted adults)
  - 13% expressed to unknown recipient including online
- Threats indicating an intent to attack- 95% engaged in communications about plans to attack the school

# School Threats and ERPO

Juvenile ERPO — to address  
access to firearms in the  
home

# School Safety Summit

- Educate school officials on ERPO and firearms safe storage
- Threat assessment
- Points of contact

# Family Resources



ADVOCACY



REFERRALS

# ERPO Advocate to Help Families

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206-263-9696 (office)  
707-681-5872 (cell)

**[ERPO@kingcounty.gov](mailto:ERPO@kingcounty.gov)**

Advocate can talk with families in crisis to see if an ERPO is an option

- Guide in the petitioning process for families
- Provide resources if needed



# Practical Steps for a Case

- Review DVPO or ERPO petition (civil order), police report (criminal case)
- Run Washington state criminal history check
- Background information
  - Department of License- firearm purchase history (handguns and semi-automatic firearms)
    - \*\*Firearm purchase history is not completely comprehensive and currently experiencing a backlog
  - Hunting and Fishing License
  - Previous protective orders/criminal case information regarding firearms
- Firearm interview
- Staff case with prosecutor
- Refer information to law enforcement for follow up/ service of order/ surrender of firearms
- Present relevant information to the court

# Firearm Interview

Background Notes
Has the respondent ever threatened you with a firearm? How was the threat communicated – was it in person, via text, or via social media?
How long have you known/lived with the respondent? How familiar are you with the respondent's habits with regards to their firearm(s)?
Where do you believe the firearms are now?
When was the last time you saw the firearm(s) personally? Please describe:
To the best of your knowledge, how many/what types of firearm(s) do you think the respondent has access to? Do you know how/when they were purchased?
Who else could verify the location of the firearm(s)? [Name, Phone, Address, Relationship]

Does the respondent keep their firearm(s) in their car? Can you describe their car? License plate #?
Are you concerned that there are firearm(s) at the residence where the respondent is currently living? Do you know the name(s)/DOBs of the person/people with whom the respondent is residing?
Has the respondent ever pawned their firearm(s)? If so, do you know which pawn shop?
Is the respondent current or former military? If so, which branch? Who is their commanding officer?
Does the respondent hunt? When was the last time you know they went hunting?
Does the respondent go to shooting ranges? Target practice? Do you ever hear the respondent talk about these? If so, where and when?

Does the respondent know how to make explosives? Do they have bomb-making material?
Are you aware of any photos on social media or other recent photos of the respondent with guns? If yes, what is the respondent's Facebook username, twitter handle, etc. ... do you have photos or screenshots you could provide?
Do you have any concerns about the respondent's affiliation with any specific groups?
Has the respondent recently been suicidal? Are there any other mental health concerns? Has the respondent ever been on a mental health hold?
What is the respondent's attitude toward law enforcement?

# Firearms Identification Worksheet

Case Name: \_\_\_\_\_  
County: \_\_\_\_\_ Case No: \_\_\_\_\_

Firearm Identification Worksheet (You may attach this to the petition.)

Does your partner possess any guns? Yes ☐ No ☐

If yes, where does your partner store the guns? \_\_\_\_\_  
\_\_\_\_\_

To the best of your knowledge, are the guns typically loaded?  
Yes ☐ No ☐ I don't know ☐

The pictures below are examples of the most common guns. If you recognize any of the pictures below as similar to the one/s your partner has, please circle it and write in the circle how many your partner has.

Handgun



Assault Rifle

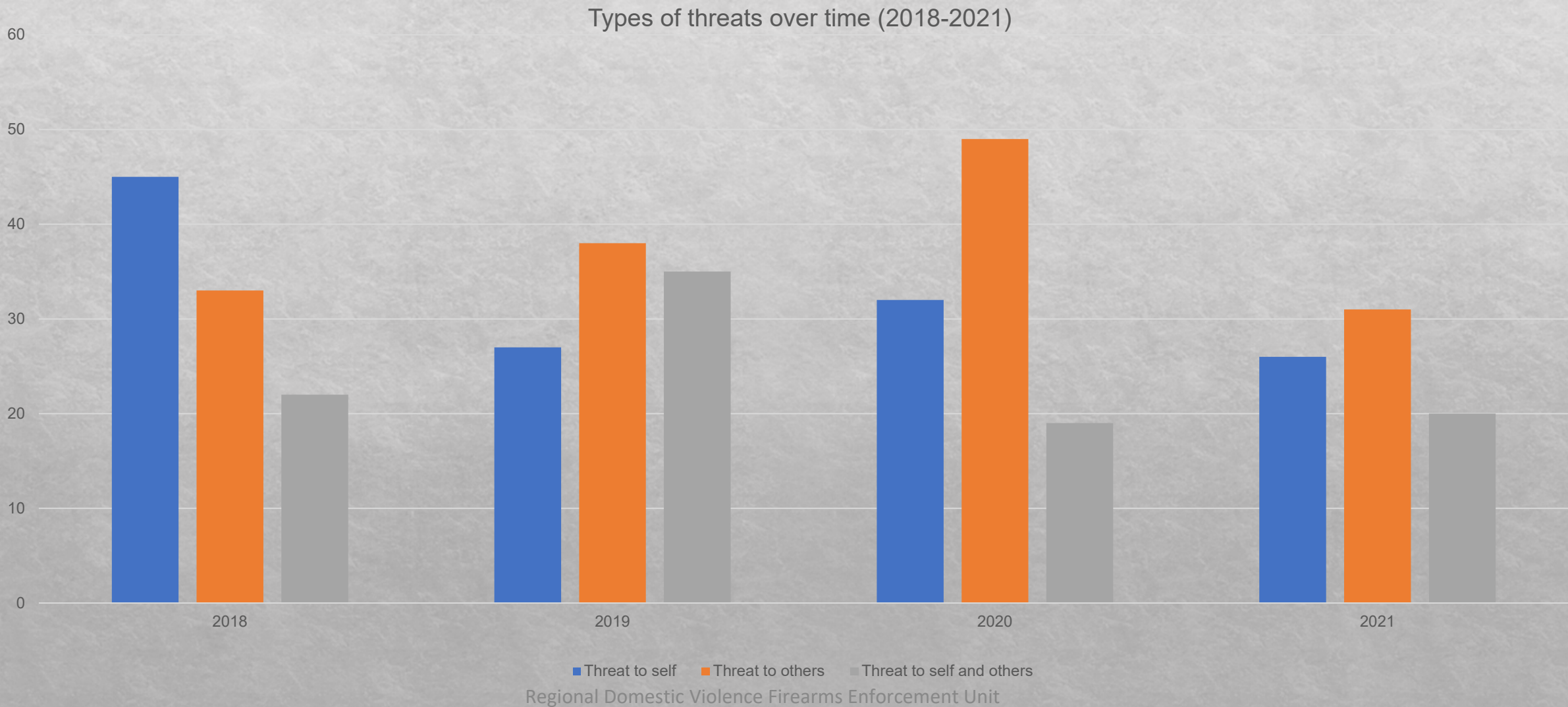


Rifle

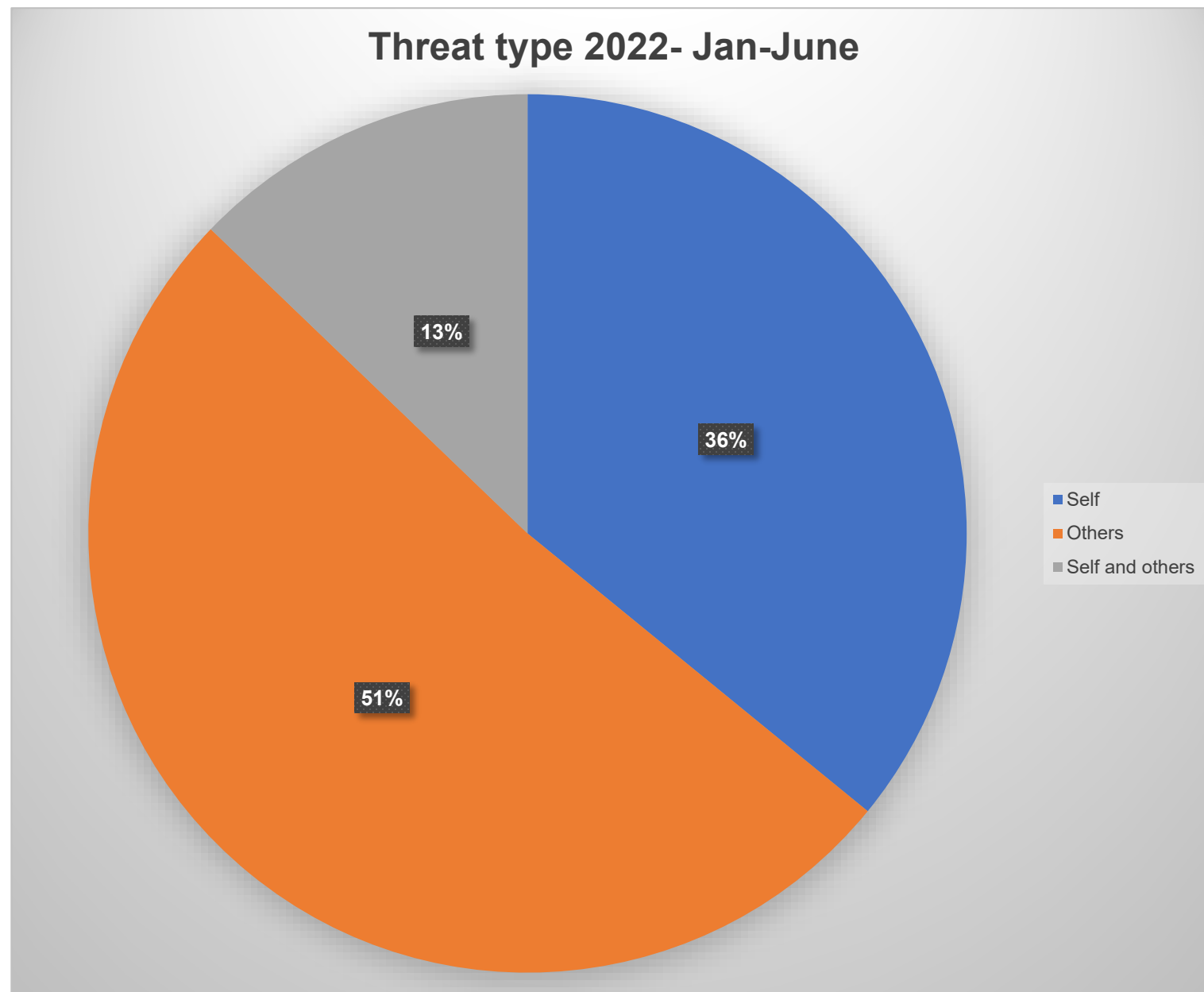


Signed \_\_\_\_\_ Dated \_\_\_\_\_

# Types of Threats



## 2022 ERPO Case Types



# A Few Practice Tips

## Online Resources

- [www.protectionorder.org](http://www.protectionorder.org)

Law enforcement  
training

Model Policy  
(guidelines for law  
enforcement)

## Dedicated ERPO email

- [ERPO@kingcounty.gov](mailto:ERPO@kingcounty.gov)
- [SeaKing@kingcounty.gov](mailto:SeaKing@kingcounty.gov)

Prosecutors  
available 24/7

Keep data and stats

ERPO advocate for  
families and  
training

Collaborate with  
public health/  
researchers to  
study ERPOs

Legislative fixes

# Emerging Issues

Sealing of  
ERPOs

Ghost guns/  
3D printing  
firearms

Using ERPOs  
as a gap filler  
criminal cases

# Going Forward

- ▶ Understand the purpose and scope of extreme risk protective orders
- ▶ Incorporate extreme risk protective orders into existing protective order practice



# CONTACT INFORMATION

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Thank you!



Firearms Technical Assistance Project

