

Extreme Risk Protection Orders: A Firearm Violence Intervention

Background

As many states grapple with attempts to curb rising rates of firearm violence, the Consortium for Risk-Based Firearm Policy, a multidisciplinary group of experts committed to advancing evidence-based gun violence prevention policies, recommends states enact a risk-based firearm removal policy widely known as an extreme risk protection order (ERPO).¹ ERPOs are short-term preventative protective orders that permit the temporary removal of firearms from individuals determined to be at risk of committing firearm violence against themselves or others. The policy is patterned on domestic violence protection orders found nationwide and grounded in research regarding evidence-based risk interventions for interpersonal and self-directed violence. ERPO laws enable specific individuals to petition a court to temporarily limit another individual's access to firearms if they are deemed a threat to themselves or others.²

ERPOs Across States

Thus far, 19 states and the District of Columbia have enacted ERPO laws. Aspects of ERPOs, such as who can petition the court, legal procedures, and length of orders, vary by state. All of these states allow law enforcement officers to petition the court for an ERPO. Some also allow family members, intimate partners, legal guardians, or certain medical professionals to initiate the petition.

There are 13 states that allow family or household members to petition the court for an ERPO. These can include spouses and other blood relatives. In five states, individuals other than family, such as intimate partners and cohabitants, may also petition. Six states³ allow only law enforcement officers or other public safety officials to file a petition.⁴ Experts recommend as a best practice that states provide for adequate training for professional petitioners (law enforcement and/or health care providers). Evidence suggests that all officers responsible for initiating ERPOs should be designated for the task and trained in crisis intervention practices. Multi-team collaborations, which include local law enforcement, prosecutors, health care providers, and mediators to assist the petitioner and respondent, can ensure the process prioritizes safety and does not unfairly infringe upon the respondent's rights.⁵ In addition, to protect individuals with mental illness from being unfairly targeted by ERPOs and other violence-prevention policies, the National Alliance on Mental Illness advocates that criteria for implementing ERPOs not be based solely on the existence of an individual's mental illness, but instead on evidence-based factors and behaviors that increase the risk of violence.⁶

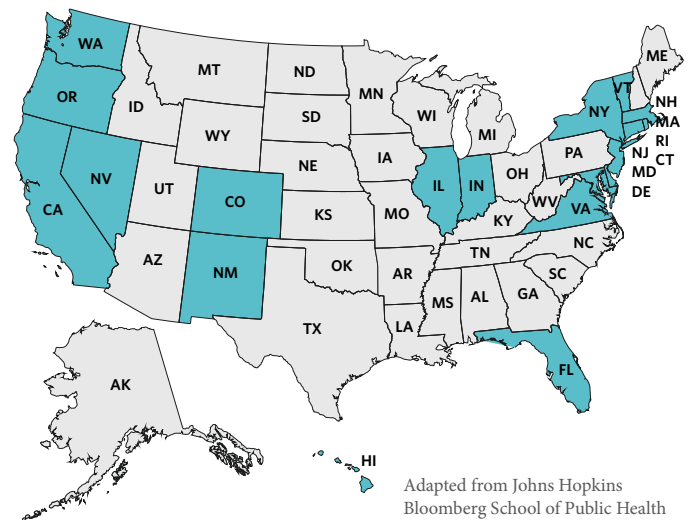
³Florida, New Mexico, Rhode Island, Vermont, and Indiana

Types of ERPOs

Ex Parte Order- Typically lasting two to three weeks and are only issued if the respondent poses an immediate risk of harming oneself or others by having access to a firearm. Ex parte orders are short term solutions that do not require notice be given to the individual.

Final Order- Can last up to one year and can be terminated early or renewed. Final orders require notice and hearing before issuance. They also have a higher standard of proof and can only be issued if there is sufficient evidence that the respondent poses a significant danger or harm to themselves or others.³

States with ERPO Laws



Adapted from Johns Hopkins
Bloomberg School of Public Health
[https://americanhealth.jhu.edu/
implementedERPO](https://americanhealth.jhu.edu/implementedERPO)

Analysis of ERPOs

Some research indicates that ERPO laws contribute to a decrease in firearm-related suicide.⁷ A study conducted by a researcher from Indiana University showed a 7.7% decrease in firearm suicide deaths in the decade after ERPO enactment in Indiana.⁸ Similarly, data collected in Connecticut attributed a 13.7% decrease in firearm suicides from 2007-2015 to the state's firearm removal law.⁹ These figures are significant because more than half of all suicides in the United States involve a firearm. In Missouri, firearm suicides make up 54% of all gun-related deaths, which have been rising in rural and urban areas alike.¹⁰

Research suggests that there are observable warning signs before most acts of violence, and states have used ERPOs to temporarily disarm individuals who have made credible threats of violence to others.¹¹ To date, however, the evidence that ERPOs directly prevent interpersonal violence, homicides, and mass shootings is inconclusive.¹² Since ERPOs are a relatively new intervention, long-term analyses of effectiveness should be conducted to properly evaluate the impact on interpersonal violence.

Conclusion

Missouri has the seventh-highest firearm death rate in the country and lacks robust policies designed to mitigate harms caused by firearms.¹³ Policymakers in Missouri should consider ERPOs as an approach to combat growing rates of gun-related deaths in the state. These policies can be essential points of intervention for firearm safety and reduce the incidence of harm by temporarily removing access to firearms for individuals who pose credible threats of violence to themselves or others.

Endnotes

¹ Consortium for Risk-Based Firearm Policy. Extreme Risk Protection Orders: New Recommendations for Policy and Implementation. (2020). <https://efsgv.org/wp-content/uploads/EFSGV-ConsortiumReport2020-ERPOs.pdf>

² RAND. The Effects of Extreme Risk Protection Orders. (2020). <https://www.rand.org/research/gun-policy/analysis/extreme-risk-protection-orders.html>

³ Gifford's Law Center. Extreme Risk Protection Orders (2021) <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/>

⁴ Gifford's Law Center. Extreme Risk Protection Orders (2021) <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/>

⁵ Consortium for Risk-Based Firearm Policy. Extreme Risk Protection Orders: New Recommendations for Policy and Implementation. (2020). <https://efsgv.org/wp-content/uploads/EFSGV-ConsortiumReport2020-ERPOs.pdf>

⁶ Testimony of Ron Homberg on behalf of National Alliance on Mental Illness, Presenting to the U.S. Judiciary Committee on Extreme Risk Protection Orders, March 26, 2019. https://www.nami.org/getattachment/About-NAMI/NAMI-News/2019/NAMI-Provides-Testimony-to-U-S-Senate-Judiciary-Co/2019-03-26_NAMI-Senate-Judiciary-ERPO-written-testimony.pdf?lang=en-US

⁷ Johns Hopkins Bloomberg School of Public Health. Extreme Risk Protection Orders: A Guide to the Process. (2020). https://americanhealth.jhu.edu/sites/default/files/website-media/high-impact/ERPO/resources/ERPO_A_Guide_To_The_Process_FINAL.pdf

⁸ Parker, F. George. Circumstances and Outcomes of a Firearm Seizure Law: Marion County, Indiana, 2006–2013.

⁹ Kivisto, J. Aaron., Phalen, Lee, Peter. Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015. (2018). <https://ps.psychiatryonline.org/doi/pdf/10.1176/appi.ps.201700250>

¹⁰ Centers for Disease Control and Prevention, National Center for Health Statistics. WONDER Online Database, 1999-2019. (2020). <http://wonder.cdc.gov/ucd-icd10.html>; Missouri Suicide Prevention Network. Missouri Suicide Prevention Plan 2021-2024, (2020). https://a98b7676-53fd-4f3f-86d3-7b201008cc24.filesusr.com/ugd/6dadf9_8477825e74ec4279845a8ac69a3179d4.pdf; The Educational Fund to Stop Gun Violence, Prevent Firearm Suicide – Missouri. (2020). <https://preventfirearmsuicide.efsgv.org/states/missouri/>

¹¹ Gifford's Law Center. Annual Gun Law Scorecard. (2021). <https://giffords.org/lawcenter/resources/scorecard/>

¹² RAND. The Effects of Extreme Risk Protection Orders. (2020). <https://www.rand.org/research/gun-policy/analysis/extreme-risk-protection-orders.html>

¹³ Gifford's Law Center. Annual Gun Law Scorecard. (2021). <https://giffords.org/lawcenter/resources/scorecard/>