

Extreme Risk Protection Orders: What you need to know!

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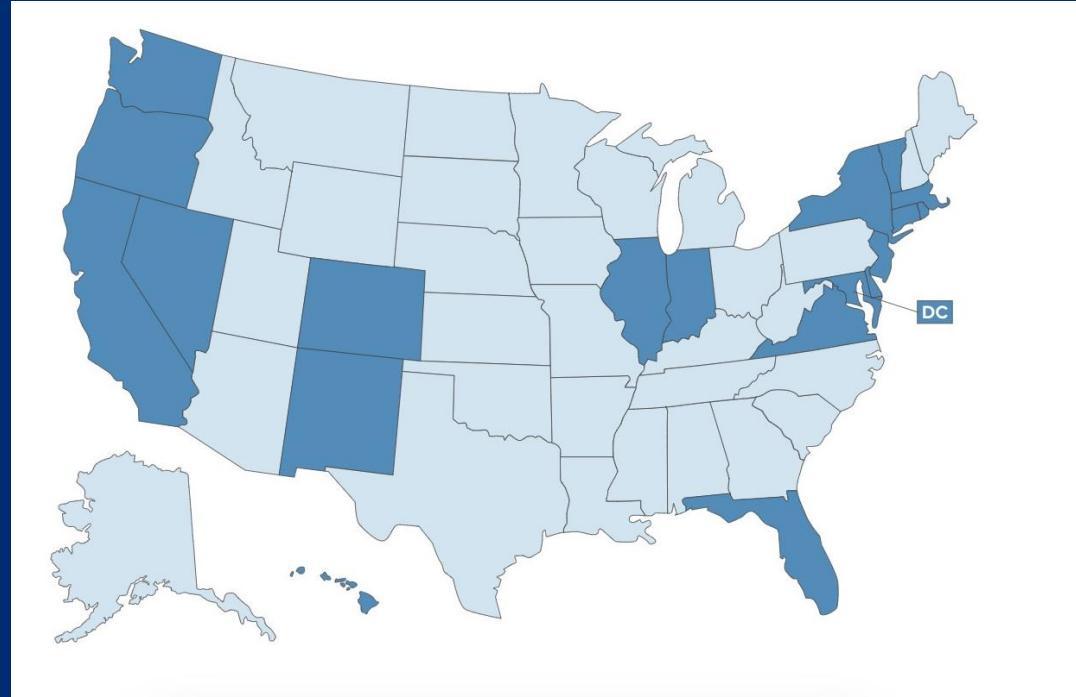
Overview of ERPOS - 1

- 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 March 2023, 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 Use in Maryland - 2021

Location	Cases Filed	Hearings Heard	Interim ERPO Granted	Temporary ERPO Hearings	Temporary ERPO Granted	ERPO Hearings	ERPO Granted
Maryland	754	564 75%	540 96%	1024	554 54%	588	363 62%
Frederick County	23	17 74%	16 94%	21	18 86%	19	12 63%



ERPO vs. Emergency Petition

ERPO

- Based on behavioral risk factors and prohibits respondents from purchasing and possessing firearms and ammunition for the duration of the order
- Judges can refer respondents for an emergency evaluation

Emergency Petition

- Used when an individual is experiencing a psychiatric crisis to determine if the individual meets the requirements for involuntary admission
- Petitioner must believe the individual has a diagnosable mental disorder and the individual presents a danger to themselves or others
- Law enforcement may remove firearms when responding to EP



Case Examples

MASS SHOOTINGS

A Washington man posted numerous mass shooting threats on social media including stating that he planned on shooting 30 Jews, along with pictures of Nazi artifacts and of his gun collection. An order was granted and 12 firearms were removed.²¹

In California, a 24-year-old man threatened to kill his family and employees of the family business. He had a history of threatening employees and was previously convicted for a weapons offense. The man's mother petitioned for a temporary order and 26 firearms were surrendered. Subsequently, a final order was issued.²²

DOMESTIC VIOLENCE

In California, a 38-year-old man made threats to kill himself, his wife, and their young child. An order was issued after his wife heard him distraught and crying in the bathroom, cocking his gun.²³

In California, a 40-year-old man sent a text message to his fiancé threatening to shoot her. He then visited his fiancé's ex-boyfriend and threatened to kill him, while holding a knife behind his back. Police used California's extreme risk law to temporarily remove a handgun and an AR-15 from the man.²⁴

SUICIDE

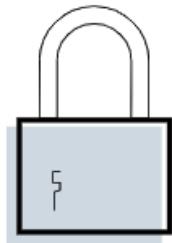
After receiving an eviction notice, a 57-year-old man from Washington made suicidal statements involving his firearm. Police used Washington's extreme risk law to temporarily remove the gun and protect this man during the suicidal crisis.¹⁵

In Washington, a woman filed an ERPO against her boyfriend after he had previously attempted suicide and now wanted to purchase a firearm. At the hearing, the couple came to court together, holding hands. The man had no objection to the order and was thankful that someone cared enough to ensure he did not have access to a gun during this suicidal crisis.¹⁶

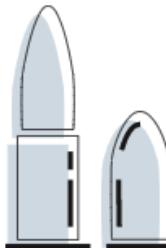


Safe Storage

Safer Storage



Store firearms unloaded and locked



Store and lock ammunition separately from firearms



Ensure the key and/or combination is inaccessible to the person at risk of suicide



Temporarily remove firearms from your home



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Counseling on Access to Lethal Means

 **ZERO SUICIDE**

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Course Description

Reducing access to lethal means, such as firearms and medication, can determine whether a person at risk for suicide lives or dies.

This course is about how to reduce access to the methods people use to kill themselves. It covers who needs lethal means counseling and how to work with people at risk for suicide—and their families—to reduce access.

This course earned two awards in 2019:

- Bronze Digital Health Award
- Bronze Omni Award

After completing this course you will be able to:

- Explain that reducing access to lethal means is an evidence-based strategy for suicide prevention.
- Explain how reducing access to lethal means can prevent suicide.
- Identify clients for whom lethal means counseling is appropriate.
- Describe strategies for raising the topic of lethal means, and feel more comfortable and competent applying these strategies with clients.
- Advise clients on specific off-site and in-home secure storage options for firearms and strategies to limit access to dangerous medications.



Safe Storage Map - MDPGV

HOME ABOUT OUR PROGRAMS  NEWS GET INVOLVED DONATE

MARYLAND SAFE STORAGE MAP

ABOUT MARYLAND GUN STORAGE OPTIONS

This map was developed to help community members seeking local options for temporary, voluntary firearm storage. Out-of-home gun storage can be especially helpful to persons in crisis at risk for suicide. As of the spring of 2020, the businesses and law enforcement agencies listed on this map are willing to consider requests for temporary, voluntary gun storage.



The map displays the locations of safe gun storage sites across Maryland, including major cities like Baltimore, Washington D.C., and Annapolis, as well as smaller towns and rural areas. Red icons represent private businesses, while blue icons represent law enforcement agencies. The map is a Google My Maps creation, as indicated by the interface.



MDH – Suicide Prevention



State Directory



State Agencies



Translate

Quick Links

Governor's Commission
on Suicide Prevention

MD-SPIN Initiative

Mental Health
Promotion

Data

Resources

Training and Education

Healing After a Suicide
Loss

Extreme Risk Protection Order (ERPO) Informational Toolkit

ERPO Postcard

- [PDF version](#)
- [PDF version - Spanish](#)
- [PDF print version](#)
- [Adobe Illustrator version](#)

ERPO Brochure

- [PDF version](#)
- [PDF version - Spanish](#)
- [PDF print version](#)

[Extreme Risk Protection Orders: A Health Intervention for Preventing Firearm Suicide Archived Webinar](#)

[Extreme Risk Protection Orders: A Health Intervention for Prevention Firearm Suicide Webinar Slides](#)



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Clinicians as ERPO Petitioners

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

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



Reflections on the ERPO Experience to Date

- Among the states
 - Great variation in implementation among and within the states
 - 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



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The Johns Hopkins ERPO Resource Center

Johns Hopkins Center for Gun Violence Solutions Receives \$2 Million Justice Department Grant to Launch New Extreme Risk Protection Order Resource Center

The new center will provide technical assistance and training on implementing ERPOs

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GUN VIOLENCE

ACCOLADES AND CONGRATS



The Center for Gun Violence Solutions has received a four-year, \$2 million grant from the Department of Justice for training and technical assistance on implementing Extreme Risk Protection Order laws. The Johns Hopkins ERPO Resource Center, co-directed by Lisa Geller, MPH, director of state affairs and Spencer Cantrell, JD, director of federal affairs, at the Center for Gun Violence Solutions, will lead the development of a training and technical assistance website, toolkits, implementation guides, trainings, convenings, and other resources designed to support states with extreme risk laws and those considering such laws.

[LEARN MORE](#)



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Resource: Implement ERPO

