

IMPLEMENTING EXTREME RISK LAWS: TOOLS FOR THE FIELD

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**Center for
Gun Violence Solutions**

AGENDA FOR TODAY'S WEBINAR

1

ERPO
implementation
research:
context and
process

2

Focus on
equitable
implementation

3

Model
approaches for
state and local
leaders
organized by the
ERPO petition
process

4

Implications for
the field

WHAT ARE EXTREME RISK LAWS?

Extreme risk laws, also called Extreme Risk Protection Orders (ERPOs) or red flag laws, have become a vital tool in efforts to proactively intervene to prevent gun violence.

- As of June 2023, 21 states + DC have enacted these laws.
- There is also a growing body of research demonstrating that ERPO laws are an effective tool to prevent gun violence, particularly suicide, when implemented effectively.

HOW DID WE DEVELOP BEST PRACTICES FOR ERPO IMPLEMENTATION?

As a result of strong ERPO implementation efforts in some jurisdictions, there is now more information and guidance available that can provide a blueprint for state and local leaders to adapt for their own communities

- Everytown and the Center partnered to gather and publish the best available ERPO practices.
- We co-hosted a convening in December 2022 bringing together experts including researchers, advocates, law enforcement, clinicians, and other organizations, which informed our recommendations.

FOCUS ON EQUITY

We acknowledge the challenges that arise as a result of ERPOs' reliance on law enforcement, even as a civil legal remedy, that are a product of racism in the U.S. criminal legal system and that make ERPO uptake less common within some communities most impacted by violence.

- Implementation efforts should include an intentional focus on ensuring equitable use of extreme risk laws and strive to make this tool available and accessible to all communities.
- Representatives from historically marginalized communities, particularly communities of color, that are disproportionately impacted by gun violence should be included in ERPO implementation efforts to ensure that their perspectives are included in developing implementation plans.

MODEL APPROACHES TO ERPO IMPLEMENTATION



PROMISING PRACTICES: BROKEN DOWN BY 6 KEY AREAS

- State and Local ERPO Infrastructure
- Pre-Petition Inquiry
- Petition Process
- Service of Order and Firearm Dispossession
- Special Considerations for Non-Law Enforcement Petitioners
- Ensuring Transparency and Accountability

STATE ERPO INFRASTRUCTURE

- Designate a state ERPO coordinator
- Create a statewide ERPO task force
- Implement statewide data collection protocols
- Implement a statewide ERPO training curriculum
- Increase awareness of ERPO laws through targeted education and outreach efforts
- Consider options for a state law enforcement agency to file ERPO petitions

LOCAL ERPO INFRASTRUCTURE

- Designate ERPO leads in law enforcement agencies and prosecutor/county attorneys' offices
- Designate dedicated ERPO judges
- Create a local ERPO working group or coordinator to facilitate cooperation among key partners and connection to services
- Designate a local advocate to guide respondents and civilians involved in the ERPO process
- Implement a local ERPO training curriculum
- Implement protocols to immediately share ERPO information with background check databases to prevent firearm purchases

PRE-PETITION INQUIRY

- Develop a process for assessing ERPOs alongside other potential crisis intervention tools
- Consider whether an ERPO is an appropriate remedy in criminal cases, either in addition to or as an alternative to criminal charges
- Collaborate with service providers to help connect respondents to appropriate resources
- Considerations when a person in crisis possesses a gun unlawfully
- Create supports for non-law enforcement petitioners in the pre-petition process

PETITION PROCESS

- Create clear and accessible court forms to facilitate the filing of ERPO petitions
- Create a 24/7 process for courts to consider temporary ERPO petitions

SERVICE OF ORDER AND FIREARM DISPOSSESSION

- Implement a protocol for service of ERPOs and firearm dispossession that relies on specially trained officers
- Prepare an individualized comprehensive safety plan prior to service that engages a respondent's family and broader support system
- Develop protocols for noncompliance with ERPOs
- Implement standard compliance measures to ensure that firearms are promptly surrendered

SERVICE OF ORDER AND FIREARM DISPOSSESSION- CONTINUED

- Develop protocols for when a respondent has access to guns owned by other individuals
- Identify multiple options for storage of dispossessed firearms, including storage with a law enforcement agency or gun dealer
- Develop clear protocols for return of firearms after an ERPO expires, consistent with state law

SPECIAL CONSIDERATIONS FOR NON-LAW ENFORCEMENT PETITIONERS

- Offer customized training and outreach for non-law enforcement professionals
- Designate ERPO advocates to help civilian petitioners through the process
- Develop protocols between the courts and local law enforcement agencies to facilitate service of civilian-filed ERPO petitions

ENSURING TRANSPARENCY AND ACCOUNTABILITY

- Develop guidelines for ERPO data collection and sharing to enable oversight and research
- Create a process for regular review of the local ERPO program that involves all key partners
- Publish an annual statewide ERPO report

IMPLICATIONS FOR THE FIELD

QUESTIONS?

Contact us

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