

Extreme Risk Protection Orders in Washington DC

When a person with access to firearms is making threats or behaving in a manner that creates a risk of harm to self or others, consider filing for an Extreme Risk Protection Order (ERPO), which is a civil court order that temporarily prohibits a person from possessing or purchasing firearms.

- Law enforcement officers, family and household members, and mental health professionals may file an ERPO petition.
 - The Office of the Attorney General may intervene to represent the interests of DC or provide legal representation to the petitioner.
- An ERPO will require an individual to temporarily surrender any guns and ammunition in their possession and prohibit them from purchasing guns and ammunition.
- It is not required that the individual currently own firearms before an ERPO may be sought or issued.
- An ERPO may be issued for one year.

ERPOs are temporary and are a civil process distinct from arrests and prosecutions, mental health commitments, and other civil or criminal restraining orders. An ERPO may be requested on its own or alongside another type of intervention.

ERPOs may be an appropriate intervention in the following circumstances:

- Threats of self harm/suicide
- Threats of harm to others, including domestic/family violence
- Threats of mass harm, including school shootings

If there is evidence that an individual “poses a significant danger of causing bodily injury to self or others” by possessing firearms and ammunition, consider filing a petition for an ERPO. When the petition is filed, the court will schedule a hearing within 14 days and require notice to the individual.

An officer may also request that an *ex parte* ERPO be issued immediately without prior notice to the individual. An ex parte order may only last for up to 14 days until the hearing is held.

The court will consider any of the following in determining whether to issue an ERPO:

- Any history or pattern of threats of violence, or acts of violence directed toward themselves or others
- Any recent threats of violence, or acts of violence directed toward themselves or others
- The acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year
- The unlawful or reckless use, display, or brandishing of a firearm or other weapon
- The individual's criminal history
- Any violation of a court order
- Evidence of the individual experiencing a mental health crisis, or other dangerous mental health issues
- Use of a controlled substance

A law enforcement officer serving an ERPO should request that all firearms in their possession be immediately surrendered to the officer.

To effectuate safe service of ERPOs and relinquishment of firearms:

- Conduct a threat assessment prior to service, including coordinating with the individual's family/friends when appropriate to identify the safest options for service.
- Clearly explain the terms of the ERPO, including what the individual must do to comply and that noncompliance is a crime.
- Provide a receipt for any guns surrendered.

Warrants:

The court may issue a search warrant to authorize a search for and seizure of any firearms, ammunition, registration certifications, licenses to carry a concealed pistol, or dealer's license that the individual is prohibited from possessing pursuant to the ERPO.