

Extreme Risk Protection Orders in Washington State

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, intimate partners, and family and household members may file an ERPO petition.
- An ERPO will require an individual to temporarily surrender any guns in their possession and prohibit them from purchasing guns.
- 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 personal injury to self or others” by having access to firearms, consider filing a petition for an ERPO. When the petition is filed, the court will schedule a hearing and require notice to the individual.

If there is reasonable cause to believe the individual poses this danger in the near future, an officer may also request that a **temporary ERPO** be issued immediately without prior notice to the individual. A temporary 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:

- Recent act or threat of violence against self or others (regardless of whether it involves a firearm)
- Pattern of acts or threats of violence within the past year
- Any behaviors that present an imminent threat of harm to self or others
- Violation of a protection order or a no-contact order
- Any previous or existing ERPOs issued and any violations of such orders
- Conviction for a crime that constitutes domestic violence or a hate crime
- Ownership of, access to, or intent to possess, firearms, evidence of recent acquisition of firearms, or unlawful or reckless use, display, or brandishing of a firearm
- History of use, attempted use, or threatened use of physical force against another person or history of stalking
- Any prior arrest for a felony offense or violent crime
- Corroborated evidence of the abuse of controlled substances or alcohol

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:

A law enforcement officer may request a search warrant if there is probable cause that the individual has failed to surrender all firearms in their possession, custody, or control.