

# Extreme Risk Protection Orders

- In Colorado, Extreme Risk Protection Orders (also called “ERPOs” or “red flag laws”) are a tool to protect people from an urgent or imminent risk of firearm-involved harm or death.
- They can be used to help prevent tragedies such as mass shootings, firearm suicides, and homicides.



## What is an ERPO in Colorado?



ERPOs are civil court orders that temporarily remove firearms from a person’s possession and prevent them from legally purchasing, or otherwise receiving a firearm while the order is in effect.



ERPOs are designed to be used in response to situations in which someone poses a significant and immediate risk of harming themselves or others, and this risk is intensified by their ability to obtain a firearm.



The purpose of this tool is to protect homes and communities during times of crisis. While an ERPO will not end or solve personal crises, they can keep people safe while supportive care and resources are brought in.

*When immediate action is needed, an ERPO can be part of a solution for safety. However, ERPOs may not be right for all situations, nor is it a stand-alone or one-size-fits-all solution.*



**I’m worried about someone’s safety, should I file an ERPO?**

## IS THERE A PRESENT OR IMMEDIATE DANGER?



*If you or someone else is in immediate danger, or if there is a life-threatening emergency, call 911.*

If you or someone else is experiencing **mental-health-related distress**, you can text or call **988** to reach the National Suicide Prevention Lifeline.

You can also contact **Colorado Crisis Services** by texting “talk” to 38255 or calling 1-844-493-8255.

## HAVE YOU NOTICED, HEARD, OR SEEN SOMETHING THAT CONCERNS YOU?

If you are comfortable, you or another person can **check in** with the person at risk. Ask if they are doing okay and if they’re thinking about harming themselves or others. If you have additional concerns or cannot check in with the person, you also can request a **welfare/wellness check** with local law enforcement or a Community Violence Interruption program.

If you have concerns about a youth or child, you can talk to K-12 in-school support staff, a school psychologist, social worker, resource officer, or family liaison who can help address concerns with students and their families.

- **If you prefer to remain anonymous**, Safe2Tell is a statewide reporting system for youth, families, and community members to report safety concerns, which are sent to the appropriate school and/or law enforcement officials for response. Reports can be made by calling **877-542-SAFE (7233)** or using their online reporting form at [safe2tell.org](https://safe2tell.org).

## DOES THE PERSON YOU ARE CONCERNED ABOUT HAVE ACCESS TO FIREARMS?



*Take action together to temporarily limit their access.*

If there are firearms in their home, you can support them and/or their household in introducing the use of **secure storage devices** or, if devices are already in use, adjusting current practices until the crisis passes (e.g., changing combination code(s) so the person at risk no longer has access).

If you feel that storing the firearms elsewhere is an option, you can support them in arranging **temporary out of home storage** for the duration of the crisis:

- You can find local businesses and law enforcement agencies who offer this service via the Colorado Gun Storage Map.
- **If you are a family member of the person at risk** (i.e., spouse, parent, child, sibling, grandparent, grandchild, niece/nephew, first cousin, or aunt/uncle) **AND** not prohibited from possessing firearms, their firearms may be temporarily transferred to you, without a background check.
- **Non-relatives** not prohibited from firearm possession, may hold firearms for someone in-crisis without a background check for up to 72 hours.

Learn more about secure storage



Out of home storage locations in CO



*If you have tried other tools, and an urgent and extreme threat of violence still exists, an ERPO may be needed.*



Firearm Injury Prevention Initiative

SCHOOL OF MEDICINE

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## HOW DO YOU START THE ERPO PROCESS?

To get an ERPO, a petition must be filed through the **county court where the person at risk lives.**

Instructions on how to file an ERPO petition can be found here:



It is **free to file** the petition for an ERPO.



You may also call the **Colorado ERPO Hotline at 855-999-ERPO.** The hotline can provide county-specific resources on the process to file an ERPO petition.

It should not be used for help with filing the paperwork, nor can it give legal advice or counsel on what happens after you file your petition paperwork.

## WHO CAN FILE AN ERPO?

- Family or household members
- Healthcare or mental health professionals
- Educators
- District Attorney
- Law enforcement officers

## WILL AN ERPO GO ON A CRIMINAL RECORD?

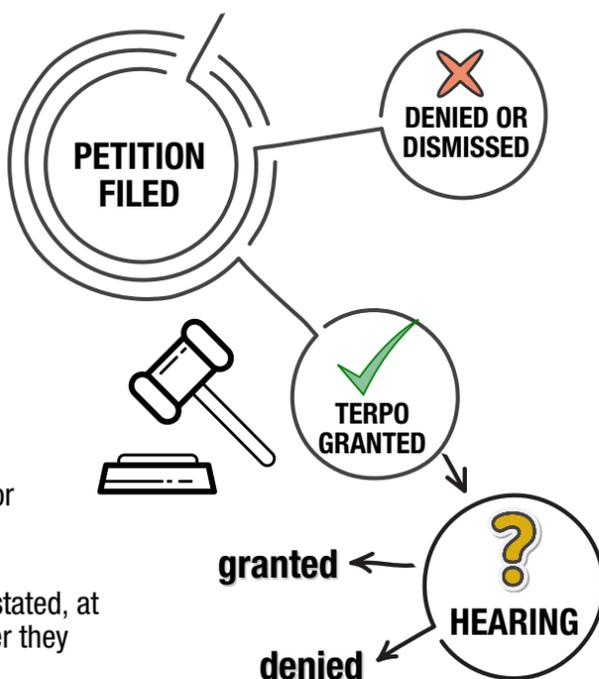
ERPOs **do not create a criminal record** unless the order is violated.



However, they are a part of the public record as civil orders.

## HOW QUICKLY WILL THE ERPO GO INTO EFFECT?

- 1** After the petition is filed, the court will review the request, usually on the next court day.
- 2** The judge will then either grant or deny a **temporary 14-day order** ("TERPO").
- 3** If the TERPO is granted, the person at risk will be notified and required to hand over any firearms they have for the 14-day period.
- 4** A hearing will then be scheduled by a judge, to grant or deny a 1-year order.



With both temporary and 1-year orders, an end-date will be stated, at which the person may reclaim any surrendered firearms, after they clear a background check.



## Can ERPOs prevent violence?

**For every 10-15 orders granted, one suicide death is prevented.** More efforts are underway to understand the impact of ERPOs in preventing mass shootings, homicides, and other firearm-involved injuries and deaths.

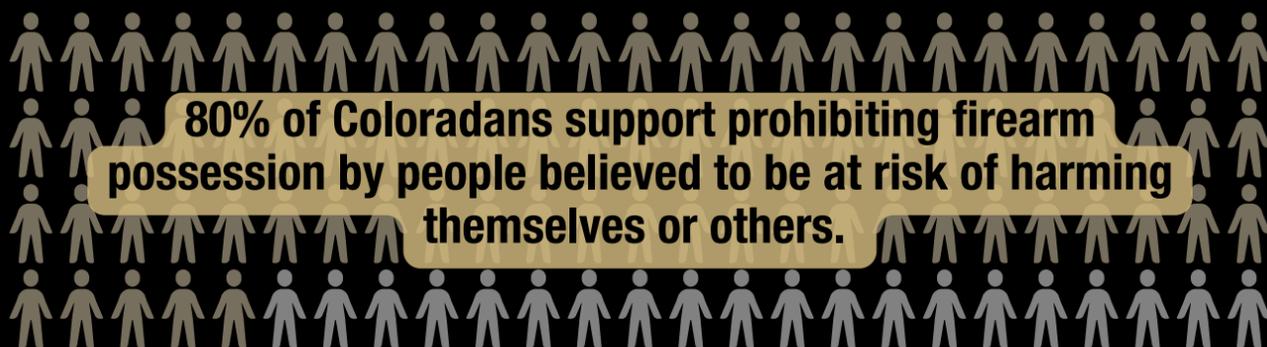
## Are ERPOs inappropriately used or falsely filed?



**LESS THAN 3%**

Of all ERPOs filed in Colorado in 2020, **less than 3%** were determined to be petitioned with either malintent, false claims, or other misuse. That 3% of petitions were denied.

## How do Coloradans feel about ERPOs?



**80%**



In fact, **over 80% of Colorado firearm owners agree** it would be appropriate for an ERPO to be issued in situations where someone has threatened to hurt themselves, someone else, or a group of people.<sup>3</sup>