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- ▶ Initiative 1491 approved by voters in **November 2016**
  - ▶ Law took effect December, 2016 [RCW 7.94]
  - ▶ **Family members or law enforcement can go to court and seek an order that allows police to remove guns from an individual that is exhibiting behaviors that show the individual is a significant danger to themselves or others**



## Washington's Extreme Risk Protection Order (ERPO)

# Legislative Intent: RCW 7.94.010

- ▶ Studies show that individuals who engage in certain **dangerous behaviors** are significantly more **likely to commit violence toward themselves or others in the near future.**
  - ▶ Threats of violence
  - ▶ Threats of self-harm
  - ▶ Abuse of drugs or alcohol
- ▶ Individuals who pose a danger to themselves or others often **exhibit signs that alert family, household members, or law enforcement to the threat.** Many mass shooters displayed warning signs prior to their killings, but federal and state laws provided no clear legal process to suspend the shooters' access to guns, even temporarily.

# Who Can File For ERPO

- ▶ Law Enforcement  
or
- ▶ Family or household member
  - ▶ Persons related by blood, marriage or adoption to the respondent
  - ▶ Dating partners of the respondent
  - ▶ Child in common with the respondent
  - ▶ Roommate within the last year
  - ▶ Biological or legal parent-child relationship (stepparents/ grandparents/ grandchildren)
  - ▶ Legal guardians

# What ERPO Does

- ▶ Prohibits respondent from **possessing, purchasing, controlling and accessing** firearms/CPL for up to 1 year (renewable)
- ▶ Respondent must **immediately surrender** firearms/CPL when served the court order
- ▶ Order entered into **WASIC/ NCIC** (state and federal databases)



# ERPO Does Not Offer Physical Restraint Provisions Between Two Parties

- ▶ ERPO is only about firearms and a concealed pistol license
- ▶ Currently, ERPO does not include ammunition

# Other Civil Protection Orders

- ▶ ERPO- does not prohibit contact or put any personal restraints provisions in the order (ERPO is about limiting access, possession and purchasing of firearms, and the surrender of any concealed pistol license).
- ▶ If you need protection from a respondent: consider the other civil protection orders at:
  - ▶ <http://protectionorder.org/>

# ERPO Advocate: Help For Families

- ▶ Alyssa Shaw: [Alyssa.Shaw@seattle.gov](mailto:Alyssa.Shaw@seattle.gov)
- ▶ 206-263-9696
- ▶ [ERPO@kingcounty.gov](mailto:ERPO@kingcounty.gov)
- ▶ Advocate can talk with families in crisis to see if an ERPO is an option
  - ▶ Guide in the petitioning process for families
  - ▶ Provide resources if needed

# Red Flag Behaviors: Warning Signs

- ▶ **Threats of violence** towards others
- ▶ **Threats of self harm**
- ▶ Prior **domestic violence** incidents
- ▶ **Abuse of drugs or alcohol**
- ▶ **Change in behavior** (crisis calls or new disturbance calls)
- ▶ **Prior protective orders** issued
- ▶ **Recently acquired** firearms/ access to firearms/ fixation with firearms



# Where to file an ERPO petition

Pre-COVID, petitioner could file in any Municipal, District or Superior Court.

Full ERPO hearing is always held in Superior Court (per statute)

\*\*Check with your local clerk's office to see what the procedure is for submitting an ERPO petition. For example, does your jurisdiction allow E-filing or electronic submissions to the clerk's office\*\*

# FORMS NEEDED FOR ERPO FILING

- ▶ **ERPO Petition** (supporting police reports, Cert, or other documentation can be attached)
- ▶ **LEIS** (Law Enforcement Information Sheet)
- ▶ **Temporary Ex Parte Extreme Risk Protection Order**
- ▶ **Return of Service**
- ▶ [www.protectionorder.org](http://www.protectionorder.org) - includes FAQs & Washington Courts online forms
- ▶ Check Superior Court Civil website (for forms)

# ERPO PETITION

\_\_\_\_\_ Court of Washington  
 For \_\_\_\_\_ County

\_\_\_\_\_  
 Petitioner

vs.

\_\_\_\_\_  
 Respondent

\_\_\_\_\_  
 DOB

No. \_\_\_\_\_

Petition for an Extreme Risk  
 Protection Order  
 (PTXR)

**General Information**

1.A  I am a family or household member of the respondent. My relationship with the respondent is (check all that apply):

<input type="checkbox"/> Spouse or former spouse	<input type="checkbox"/> Blood relation other than parent or child
<input type="checkbox"/> Parent of a child in common	<input type="checkbox"/> Current or former legal guardian
<input type="checkbox"/> Current or former domestic partner	<input type="checkbox"/> Stepparent or stepchild
<input type="checkbox"/> Current or former cohabitant within the past year	<input type="checkbox"/> Parent or child
<input type="checkbox"/> Current or former dating relationship	<input type="checkbox"/> In-law

1.B  I am filing on behalf of \_\_\_\_\_ law enforcement agency.

I have already notified the respondent's family or household members and any known 3rd parties who may be at risk of violence; OR

My agency will make a good faith effort to provide notice to them by  telephone  email  in-person  other \_\_\_\_\_ within a reasonable period of time.

2.  I reside in this county.

I am filing on behalf of a law enforcement agency that is located in this county.

The respondent resides in this county.

3. Describe below any firearms the respondent currently owns, possesses, has custody of, has access to, or controls.

Type of firearm	How many firearms?	Where is the firearm kept?	Date/time/place you last saw the firearm
<input type="checkbox"/> Handgun			
<input type="checkbox"/> Shotgun / Rifle			



Semi-Automatic  
Assault Rifle

**Check all the boxes that apply and describe below:**

- Respondent has access to someone else's firearm.
- Respondent expressed an intent to obtain a firearm.
- Respondent has unlawfully or recklessly used, displayed, or brandished a firearm.
- Respondent recently acquired a firearm.

Describe:

**4. Between the respondent and me:** List any criminal or civil protection, restraining or no-contact orders, pending lawsuits, or other legal action: *If you have more than three matters, list details on additional sheet.*

	Case #1	Case #2	Case #3
Case Name			
Case Number			
Court/County/ State			
Type of Case			
Protected Person			
Was there any order violation?			

**5. Between the respondent and any other person:** List any criminal or civil protection, restraining or no-contact orders: *If you have more than three matters, list details on additional sheet.*

	Case #1	Case #2	Case #3
Protected Person			
Case Number			
Court/County/ State			
Was there any order violation?			



## 6. Request for an Extreme Risk Protection Order

I want a temporary extreme risk protection order effective immediately, without prior notice to respondent, that lasts up to 14 days, or until the court hearing.

These are the specific facts known to me that cause me to believe the respondent poses a significant danger in the near future of causing personal injury to self or others by having custody or control, purchasing, possessing, accessing, or receiving firearms. More detailed information is provided in the Statement in section 7.

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After a hearing, where the respondent has a right to be present, I want the court to issue an Extreme Risk Protection Order that lasts for one year.

After the hearing, I want the court to issue an Extreme Risk Protection Order that lasts for one year because the respondent poses a significant danger of causing personal injury to self or others by having custody or control, purchasing, possessing, or receiving a firearm.

My statement below includes the respondent's specific words, actions, or other facts that cause me to have a reasonable fear of future dangerous acts by respondent.

## 7. Statement

To enter an Extreme Risk Protection Order, the court must find it more likely than not that the respondent poses a significant danger of causing personal injury to self or others by having custody or control, purchasing, possessing, accessing, or receiving a firearm.

**Complete all sections that apply.** Attach additional pages, as needed.

**8. Convictions or Arrests.** Check all the boxes that apply and describe below:

Respondent has been arrested or convicted of a:

domestic violence crime.

felony or violent crime.

hate crime offense or malicious harassment (threats, physical injury, or property damage based on the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability).

Describe on the next page. Include location, court name, and case number, if known.

**9. Violence and Threats:** Check each box that applies and explain below.

- Respondent has recently committed or threatened violence against self or others, whether or not respondent had a firearm.
- Respondent has shown, within the past 12 months, a pattern of acts or threats of violence, which can include violent acts against self or others.
- Respondent has a history of use, attempted use, or threatened use of physical force against another person.
- Respondent has a history of stalking another person.

Explain:

Date/When	Describe what happened.

**10. Respondent's behavior**

Describe any behaviors by the respondent that present an imminent threat of harm to self or others.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**11. Corroborated evidence of respondent's alcohol or controlled substance abuse.**  
Describe any evidence and attach any documents corroborating (supporting) the respondent's abuse of alcohol, legal or illegal drugs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**12. Other important information that you think will help the court make a decision.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**13. You must provide an address where you can be served with legal documents. Chose ONE option, then write the address in the line below:**

- I can be served with legal documents at the address below: OR
- Disclosing my residential address would risk harm to me or a member of my family or household. I can be served with legal documents at the alternate address below: OR
- I am filing on behalf of a law enforcement agency. Service can be made at the law enforcement agency address listed below:

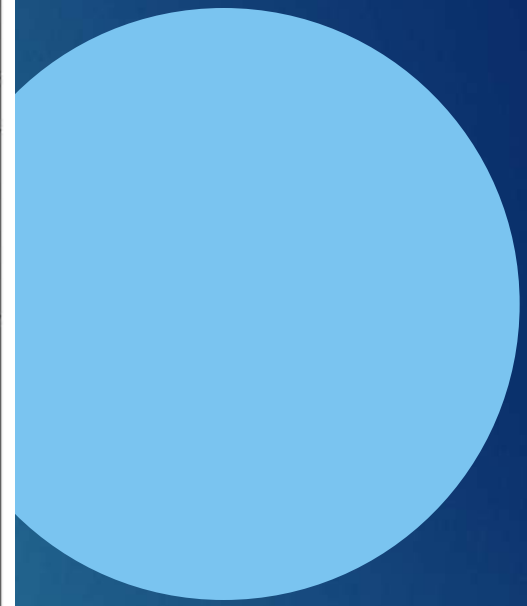
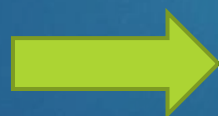
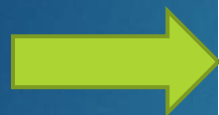
Address: \_\_\_\_\_

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_ at \_\_\_\_\_, Washington.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print Name and if Law enforcement Badge No.



# LAW ENFORCEMENT INFO SHEET (LEIS)