

## Extreme Risk Protection Orders

### 347.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for firearms obtained pursuant to those orders.

#### 347.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 624.7171):

**Extreme risk protection order (ERPO)** - An order prohibiting a named person from possessing or purchasing prohibited items.

**Prohibited items** - Firearms that are prohibited by an ERPO.

### 347.2 POLICY

It is the policy of the Freeborn County Sheriff's Office to petition for and serve ERPOs in compliance with state law, and to properly account for prohibited items obtained by the Office pursuant to such orders.

### 347.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Sheriff should designate an ERPO coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an ERPO or a renewal of an ERPO by office members.
- (b) Identifying factors to consider when assessing whether to seek an ERPO, including:
  1. Whether threats have been made, and if so, whether the threats are credible and specific.
  2. Whether the potential victim is within close proximity.
  3. Whether the person has expressed suicidal tendencies.
  4. Whether the person has access to firearms.
  5. Whether the person has committed an act of violence toward themselves or another person.
  6. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
  7. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
  8. Any known upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
  9. Whether the person has any history of drug or alcohol abuse.

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- (c) Developing and maintaining procedures for the receipt and service of ERPOs consistent with the requirements of Minn. Stat. § 624.7172; Minn. Stat. § 624.7175; and the Warrant Service and Operations Planning and Deconfliction policies. Procedures should include:
  - 1. Evaluation of an order to determine appropriate service and necessary precautions.
  - 2. Forwarding ERPOs to the Operations Director or the authorized designee.
  - 3. Forwarding ERPOs to the Chief Deputy for recording in appropriate databases and required notice to the court, as applicable.
  - 4. Preparing or obtaining a search warrant prior to attempting service of an ERPO, when appropriate (Minn. Stat. § 624.7175).
- (d) Coordinating with the Chief Deputy to provide deputies who may be involved in petitioning for or serving ERPOs with training on such orders. Training should include determining when a petition is appropriate, the process for seeking ERPOs, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an ERPO prepared by members, for compliance with this policy, office procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an ERPO is being served by the Office (Minn. Stat. § 624.7175). Procedures should include:
  - 1. Preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
  - 2. Proper handling and processing of surrendered items.

#### **347.4 EXTREME RISK PROTECTION ORDERS**

A deputy who reasonably believes that an ERPO is appropriate should obtain approval from an appropriate supervisor and the extreme risk protection order coordinator or the authorized designee prior to seeking an order.

##### **347.4.1 STANDARDS**

Extreme risk protection orders may be appropriate if a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm (Minn. Stat. § 624.7171, Subd. 4).

If a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm, and presents an immediate and present danger of either bodily harm to others or of taking their life, an ERPO may be appropriate (Minn. Stat. § 624.7174).

##### **347.4.2 REQUIREMENTS OF PETITION**

An application for an ERPO should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (Minn. Stat. § 624.7171).

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### **347.5 SERVICE OF ORDERS**

Deputies should serve a copy of an ERPO, along with any accompanying notice of hearing and petition, affidavit, as applicable, on the person named in the order as soon as reasonably practicable (Minn. Stat. § 624.7172).

Service of ERPOs should take precedence over the service of other orders, except for orders of a similar emergency nature.

#### **347.5.1 SAFETY CONSIDERATIONS**

Upon receipt of an ERPO, the Operations Director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

When appropriate based on the circumstances and office procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

At least two deputies should be present when an ERPO is being served.

#### **347.5.2 SURRENDER OF PROHIBITED ITEMS**

Deputies serving an ERPO should request that the named person immediately surrender all prohibited items as required by the order and take custody of any items surrendered pursuant to the order (Minn. Stat. § 624.7172; Minn. Stat. § 624.7175).

The deputy serving the ERPO should prepare a receipt identifying all surrendered items and a copy of the receipt should be given to the person. The deputies should ensure the original receipt is included in the original case report and forwarded to the Chief Deputy as soon as practicable.

All items collected should be handled and booked in accordance with the Evidence Room Policy.

#### **347.5.3 SEARCH WARRANTS**

Deputies should consider whether a search warrant may be reasonably necessary prior to attempting service of an ERPO.

Deputies should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if a deputy serving an ERPO reasonably believes there are prohibited items within the persons custody, control, or possession that have not been surrendered.

### **347.6 RELEASE OF PROHIBITED ITEMS**

Any person requesting the release of any prohibited items in office custody pursuant to an ERPO should be referred to the Evidence Room.

### **347.7 EXTENSION OF EXTREME RISK PROTECTION ORDER**

The Detective Bureau supervisor is responsible for the review of any ERPO obtained by the Office to determine if renewal or extension of the order should be requested within the time prescribed by law (Minn. Stat. § 624.7172; Minn. Stat. § 624.7173).