

Emergency Petition (EP) vs ERPO

An EP is used when an individual is experiencing a psychiatric crisis to determine if the individual meets the requirements for involuntary admission to a facility. A petition can be made only if the petitioner has reason to believe that the individual:

- Has a diagnosable mental disorder and,
- The individual presents a danger to the life or safety of the individual or others

Law enforcement may remove firearms when collecting an individual for emergency evaluation, but they must return them to the individual after the evaluation if they are not involuntarily admitted.

An ERPO is based on behavioral risk factors and prohibits respondents from purchasing and possessing firearms and ammunition for the duration of the order and requires respondents to surrender their firearms and ammunition to law enforcement.

What is an Extreme Risk Protective Order (ERPO)?

An ERPO is a civil court-issued order that prohibits people found to be dangerous to themselves or others from temporarily purchasing or possessing a firearm, rifle, or shotgun.

Who can Petition in Maryland?

- Family Members
- Law enforcement
- Health Care Professional (physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or health officer or designee of a health officer who has examined the individual)

What type of gun violence will ERPO prevent?

ERPOs can affect multiple types of gun violence, including suicide, interpersonal violence, mass shootings, and domestic violence.

Limiting access to lethal means to individuals at risk of dying by suicide or interpersonal violence saves lives. Here are different strategies to limit access to lethal means:

Safe Storage

Unloaded firearms should be stored in a locked cabinet, safe, gun vault or storage case. The storage location should be inaccessible to children.

Gun locking devices can be used in conjunction with locked storage.

Lethal Means Counseling

Assess whether a person at risk for suicide has access to a firearm or other lethal means, and work with them and their family/support system to limit their access:

- Store the firearms with a trusted friend or relative
- Gun shops and shooting ranges sometimes offer storage services.
- Local law enforcement (some states)
- If off-site storage is not an option: Lock the firearms and ensure the person at risk has no access to the key/combination.

ERPO

LETHAL MEANS COUNSELING

SAFE STORAGE

How to File an ERPO:

Complete an ERPO Petition; Petition for Extreme Risk Protective Order (DC-ERPO-001) and both addendum forms (DC-ERPO-001A and DC-ERPO-001B)

File the petition and return to court as instructed. File the petition with a District Court clerk, or file with a District Court commissioner.

If a temporary ERPO is issued guns are removed. Temporary orders will be in effect for up to 21 days.

While the temporary ERPO is in effect, a final ERPO hearing is held. The judge will decide whether to issue a final ERPO of up to one year

Frequently Asked Questions:

Why is it important to talk about firearms when discussing suicide prevention?

Firearms account for 45% of all suicide deaths in Maryland, though the percentage varies by different demographic groups. Firearms are the most lethal suicide method – 85-90% of suicide attempts by firearm are fatal.

What's the connection between firearms and suicide risk?

Owning a firearm does not cause suicidality, but owning a firearm can increase suicide risk. Suicide crises are often short-lived but powerful impulses. 75% of suicide attempts occur in less than 1 hour of making the decision to attempt. Owning firearms increases a person's access to lethal means if they do experience a crisis.

If you restrict a person's access to firearms, won't they just use other means to attempt suicide?

Research shows that method substitution is an unlikely occurrence. The majority of people have a preferred method and will not substitute for a different method if their preferred method is unavailable. Even if a person attempts suicide using a method other than a firearm, their odds for survival are much higher.

Did You Know?

Access to a firearm in the home increases the odds of suicide by 3 times.¹

For every 10 to 20 firearm removals under Connecticut's and Indiana's extreme risk laws, approximately ONE life was saved through an averted suicide.²

Similarly, Connecticut's and Indiana's extreme risk laws have been shown to reduce firearm suicide rates in these states by 14% and 7.5%, respectively.³

ERPO Case Example

In May 2019, Prince George's County "sheriff's deputies placed a person into custody and took them to a medical facility for evaluation after an Emergency Petition Service and ERPO were simultaneously issued for that individual. Deputies confiscated 40 firearms, 342 firearm magazines and over 23,000 rounds of ammunition from that person's home. Another 38 firearms and 1,600 rounds of ammunition were surrendered to the sheriff's office on May 13."⁴

Citations:

- ¹ Anglemeyer A, Horvath T, & Rutherford G (2014). The accessibility of firearms and risk for suicide and homicide victimization among household members: A systematic review and meta analysis. *Annals of Internal Medicine*.
- ² Jeffrey W. Swanson, et al., "Implementation and Effectiveness of Connecticut's Risk-based Gun Removal Law: Does it Prevent Suicides." *Law & Contemporary Problems* 80, (2017): 179-208; Jeffrey W. Swanson, et al., "Criminal Justice and Suicide Outcomes with Indiana's Risk-Based Gun Seizure Law." *The Journal of the American Academy of Psychiatry and the Law*, (2019).
- ³ Aaron J. Kivisto and Peter Lee Phalen, "Effects of Risk-based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981-2015," *Psychiatric Services* 69, no. 8 (2018): 855-862.
- ⁴ "More than 100 Weapons, Thousands of Rounds of Ammunition Confiscated under Maryland's Red Flag Law in Prince George's County". CBS Baltimore. May 21, 2019. <https://baltimore.cbslocal.com/2019/05/21/red-flag-law-gun-control-prince-georges-county-maryland/>

Additional Resources:

Prevent Firearm Suicide:
<https://preventfirearmsuicide.efsgv.org/interventions/relationship>
CALM: Counseling on Access to Lethal Means
Suicide Prevention Resource Center access:
<https://www.sprc.org/resources-programs/calm-counseling-access-lethal-means>

EXTREME RISK PROTECTIVE ORDERS:

A Health Intervention to Reduce Gun Violence

