

Extreme Risk Protection Orders

336.1 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 and concealed carry permits obtained pursuant to those orders (CRS § 13-14.5-108).

336.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order - An order prohibiting a named person from having in his/her custody or control, purchasing, possessing, or receiving prohibited items.

Prohibited items - Firearms and concealed carry permits that are prohibited by an extreme risk protection order.

336.2 POLICY

It is the policy of the Colorado State University Police Department to petition for and serve extreme risk protection orders in compliance with state law, and to properly account for prohibited items obtained by the Department pursuant to such orders.

336.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Chief of Police will appoint an extreme risk protection order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members. Procedures should include (CRS § 13-14.5-103; CRS § 13-14.5-104):
 1. For temporary extreme risk protection orders, that a search warrant shall be sought concurrently with any petition.
 2. A process for handling notices received from non-law enforcement petitioners to determine whether department attendance at a hearing is appropriate.
 3. Involving agency counsel as required.
 4. Making required state court administrator forms available (CSR § 13-14.5-114).
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, 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.

Extreme Risk Protection Orders

5. 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.
 6. 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 self or others.
 7. Any 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.
 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of CRS § 13-14.5-103 and CRS § 13-14.5-106. Procedures should include (CRS § 13-14.5-106):
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service and Operations Planning and Deconfliction policies).
 - (a) Additional time to allow for the proper and safe planning and execution of the court order may be requested, if needed.
 2. Forwarding orders, receipts, and other required notices to the Records Manager for recording in appropriate databases and required notice to the court, as applicable (CRS § 13-14.5-108).
 3. Developing a process for achieving timely service of orders.
- (d) Coordinating with the FTO Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order to ensure compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept surrendered prohibited items at times other than when an order is being served by the department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Developing a process for receiving and reviewing notices from the court that a respondent of an extreme risk protection order has failed to make required filings and determining whether there is evidence that the respondent has failed to surrender any prohibited items (CRS § 13-14.5-108).

336.4 EXTREME RISK PROTECTION ORDERS

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

Extreme Risk Protection Orders

336.4.1 STANDARDS

Extreme risk protection orders may be appropriate if a person poses a significant risk of causing personal injury to him/herself or others by having a firearm in his/her custody or control (CRS § 13-14.5-104). If a person poses a significant risk of causing personal injury to him/herself or others in the near future by having a firearm in his/her custody or control, a temporary extreme risk protection order may be appropriate (CRS § 13-14.5-103).

336.4.2 REQUIREMENTS OF PETITION

An application for an extreme risk protection order should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (CSR § 13-14.5-103; CSR § 13-14.5-104).

336.4.3 NOTICE TO FAMILIES AND PERSONS AT RISK

Upon the issuance of an extreme risk protection order, officers should make a reasonable good-faith effort to provide notice to a family or household member of the person named in the order and to any other person who may be at direct risk of violence. Officers should also provide family or household members with referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources (CSR § 13-14.5-105).

Officers should document all efforts to provide notice and indicate whether or not the efforts were successful.

336.5 SERVICE OF ORDERS

Officers shall serve a copy of an extreme risk protection order, along with any accompanying notice of hearing and petition, as applicable, on the person named in the order as soon as practicable.

Service of orders shall take precedence over the service of other orders, except for orders of a similar emergency nature (CRS § 13-14.5-103; CRS § 13-14.5-105; CRS § 13-14.5-106).

336.5.1 ADDITIONAL SERVICE REQUIREMENTS

If officers are not able to complete service within five days, they should make reasonable attempts to notify the petitioner and gather additional information of the respondent's potential whereabouts (CRS § 13-14.5-106).

A notice providing referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources should be provided to the person being served with a temporary extreme risk protection order at the same time as service of the order (CRS § 13-14.5-103).

336.5.2 SAFETY CONSIDERATIONS

Upon receipt of an extreme risk protection order, 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 department procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

Extreme Risk Protection Orders

In no circumstances should fewer than two officers be present when an order is being served.

336.5.3 SURRENDER OF PROHIBITED ITEMS

Officers serving an extreme risk protection order should request that the named person immediately surrender all prohibited items as required by the order. Officers shall take custody of any items surrendered pursuant to the order.

A receipt identifying all surrendered items shall be prepared by the officers and a copy given to the person (CRS § 13-14.5-108). The officers should ensure the original receipt is included in the original case report and forwarded to the Records Manager as soon as practicable.

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

336.5.4 SEARCH WARRANTS

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

Officers should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if an officer serving an extreme risk protection order reasonably believes there are prohibited items within the person's custody, control, or possession that have not been surrendered (CRS § 13-14.5-103; CRS § 16-3-301.5; CRS § 13-14.5-108).

336.6 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in Department custody pursuant to an extreme risk protection order should be referred to the Crime Lab.

336.7 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Investigations supervisor is responsible for the review of any extreme risk protection order obtained by the Department to determine if renewal or extension of the order should be requested within the time prescribed by law (CSR § 13-14.5-107).