

RESEARCH BRIEF

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CRIMINAL LEGAL AND BEHAVIORAL HEALTH PATHWAYS IN LAW ENFORCEMENT-PETITIONED EXTREME RISK PROTECTION ORDERS

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BACKGROUND

Extreme Risk Protection Orders (ERPOs) are civil legal tools that temporarily restrict firearm access for individuals deemed to pose substantial risk of harm to themselves or others. During the crisis situations that prompt the ERPO (known as the **precipitating event**), the behaviors respondents exhibit may also lead to **arrest** (e.g., for threats to harm others) or **involuntarily detention** and transport for a behavioral health evaluation (e.g., for suicidal threats). When law enforcement petition for an ERPO, officers detail their responses to the precipitating events, describing their perceptions of respondents' risk of harm to self or others, and documenting their decisions to pursue additional interventions.

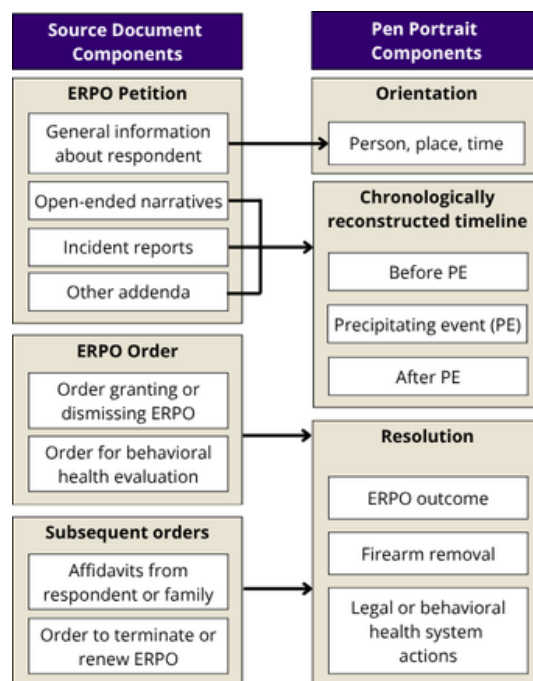
STUDY GOAL

This study sought to understand how law enforcement officers describe respondents' risk of harm to self and/or others in ERPO court files and how these narratives correspond to intervention pathway (arrest, involuntarily detained, or both).

APPROACH

Researchers reviewed the entire ERPO court file for respondents from Washington State for whom a temporary ERPO had been granted with a law enforcement petitioner (90% of ERPO petitions) between December 2016 and December 31, 2022 (N = 859). The pen portrait methodology was used to construct pen portraits for a sample of ERPO cases (n = 130). Arrests of ERPO respondents described in ERPO documents were confirmed through Washington State Patrol arrest data.

Figure 1. Pen portrait construction process



RESULTS

Of the 859 ERPOs filed by law enforcement and granted at the temporary level, 57.6% (n=495) of respondents were arrested (n = 224, 26.1%), involuntarily transported (n = 254, 29.6%), or both (n = 17, 2.0%). Overall, 81.8% of temporary orders were granted at the full order hearing, and 36.3% of these included a behavioral health evaluation order.

Among the pen portrait sample, respondents' behaviors during the precipitating event were divided into four mutually exclusive categories: public mass shooting, threats/attempts to harm others, suicide threats/attempts, and reckless use/display/brandishing of a firearm. Within behavior categories, **involuntary transport was common in narratives emphasizing respondents' risks of harm to self**, and **arrests were common among narratives highlighting risks of harm to others**. The proportion of full orders granted was consistent across intervention pathways. However, more nuanced patterns emerged, including:

Arrest was common when the respondent's behaviors fell under **mandatory arrest laws** for **intimate partner violence**

Among cases with threats or use of violence to others, the decision to arrest or involuntarily transport largely depended on **whether a firearm was present**

Cases involving reckless use of a firearm led to arrest or involuntary transport depending on **who could have been injured** if/when the **firearm discharged**

IMPLICATIONS

Findings from this study provide insight into how ERPO respondents interact with the criminal legal and behavioral health systems during the precipitating event, highlighting opportunities for improved training for law enforcement and procedures to promote equity to better support individuals at risk of harm. Pen portraits enabled a contextualized analysis of how risks were described and addressed around the time of ERPO filing. Future work should interview law enforcement officers, prosecutors, and judges to understand how they interpret risk and make decisions throughout the ERPO process.

FOR ADDITIONAL INFORMATION, REFER TO:

Conrick KM, Marts E, Ross R, Liddell-Quintyn E, Schleimer JP, Mustafah A, Asa N, Rowhani-Rahbar A. Criminal legal and behavioral health pathways in law enforcement-petitioned extreme risk protection orders. *Injury Epidemiology*. DOI: 10.1186/s40621-025-00638-1

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