



Sheriff Richard A. Reigenborn

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Adams County Sheriff's Office Policy on Extreme Risk Protection Orders

Legislation effective January 1, 2020 creates a judicial process for seeking protection orders prohibiting persons who pose a significant risk of causing personal injury to self or others from having custody or control firearms. This policy addresses the statutory requirements of the Adams County Sheriff's Office (ACSO) pursuant to the Deputy Zackari Parrish II Violence Prevention Act, C.R.S. § 13-14.5-101 *et seq.*

As used in this policy, the following terms are defined as follows:

Extreme Risk Protection Order (ERPO): Either a temporary order (TERPO) or a continuing order (ERPO) (also referred to as a "three-hundred-sixty-four-day extreme risk protection order"), collectively referred to as T/ERPO, granted pursuant to C.R.S. §§ 13-14.5-101 to 114. The order is a civil restraining order prohibiting the named individual (respondent) from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms.

Firearm: Any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges as described in C.R.S. § 18-1-903(3)(h). Firearm does NOT include ammunition or magazines.

Petitioner: The person or law enforcement agency who petitions, or seeks, a T/ERPO from the court.

Respondent: The person who is the subject of the T/ERPO petition. This person will be prohibited from purchasing, receiving or having a firearm in their custody or control if the T/ERPO is granted.

Effective January 1, 2020, the Sheriff's Office will process Temporary Extreme Risk Protection Orders (TERPOs) and Extreme Risk Protection Orders (ERPOs), issued pursuant to C.R.S. §§ 13-14.5-103 and 105, respectively, as follows:

The Civil Unit will be responsible for receiving and overseeing service of T/ERPOs. Statutory service obligations apply to the law enforcement agency in the jurisdiction where the **respondent resides**. As such, Sheriff's Office deputies will only serve T/ERPOs in unincorporated areas of Adams County and ACSO contracted service areas. Deputies shall confirm the respondent's residence before proceeding further. If the respondent resides in an area other than unincorporated Adams County or a contracted service area, deputies shall direct

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720.322.1313

JAIL DIVISION
150th North 19th Ave.
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FLATROCK TRAINING
23600 East 128th Ave.
Commerce City, CO 80022
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service to the appropriate jurisdiction. For respondents living within the Sheriff's Office service obligation, service will be made in accordance with Colorado Rules of Civil Procedure Rule 4 or County Court Rules of Civil Procedure Rule 304. Service of T/ERPOs shall take precedence over the service of other documents, unless they are of a similar emergency nature.

No fees for filing or service will be charged to a petitioner regarding a T/ERPO.

The deputy receiving the T/ERPO will obtain as much information as is practical to ensure that process can be served in a safe manner for the sake of the deputy, the respondent and the public. Deputies shall consider seeking voluntary compliance and cooperation from the respondent to serve the T/ERPO and the relinquishment of firearms.

Deputies must personally serve the T/ERPO on the respondent within five (5) days, unless the order states the respondent was present in the courtroom when the order was issued. The Sheriff's Office may request additional time to allow for the proper and safe planning and execution of the court order. If deputies need time beyond the five-day statutory period, the Sheriff's Office shall work with the Assistant County Attorney assigned to the Sheriff's Office to request additional time from the court. Additionally, deputies shall notify the petitioner and request additional information to help determine the respondent's current whereabouts.

When serving the T/ERPO, deputies must provide the respondent with the following documents: the T/ERPO, notice of hearing, petition for the extreme risk protection order and referrals to appropriate resources including domestic violence, behavioral health and counseling resources. Additionally, the deputy will advise the respondent of his/her obligations under C.R.S. § 13-14.5-108, to surrender any firearms and concealed handgun permits. The deputy should document the respondent's behavior in a written report as deemed appropriate.

If a respondent desires to offer his/her firearms and/or concealed handgun permit to the Sheriff's Office for safe keeping, the deputy will receive said firearms and/or permit and process them in accordance with ACSO Policy 800. An itemized inventory of items received from the respondent must be provided to the respondent. A copy of this inventory will also be provided to the court with the return of service. The return of service must be submitted to the court within 72 hours of serving the T/ERPO. If no firearms or permit are received from the respondent, this fact will be documented in the return of service to the court. Ammunition and magazines are not to be seized.

The Sheriff's Office may appear at the ERPO hearing as an interested party. In these circumstances, the County Attorney's Office will be notified and will appear along with the Sheriff, or his/her designee. At such hearings, the Sheriff or his/her designee will provide information to the court regarding any Sheriff's Office contact with the respondent and whether, in the Sheriff's or designee's opinion, the respondent presented a danger to self or others during these contacts.

Sheriff's Office deputies will only seek a search warrant for firearms, in accordance with C.R.S. §§ 16-3-301.5 and 303, when: accompanied by an arrest warrant wherein probable cause has been established to believe that the suspect poses a risk to the safety of another person; or when

the deputy reasonably believes and has articulated a factual basis that establishes the suspect to be an immediate danger to others or himself, or appears to be gravely disabled, and no other means of resolution are available, in which case the suspect is to be taken into custody for purposes of a 72 hour mental health hold in accordance with the established criteria detailed in C.R.S. § 27-65-105.

If a search warrant is executed, the deputy shall complete the Search Warrant Return and Inventory form, itemizing any firearms and/or concealed handgun permits seized, and attach a copy of the form to the return of service, which must be submitted to the court within 72 hours of serving the warrant. A copy of the itemized inventory must also be provided to the suspect.