



Extreme Risk Protection Orders

346.1

PURPOSE AND SCOPE

State

MODIFIED

The purpose of this policy is to provide guidelines for interacting with Extreme Risk Protection Orders. (CRS § 13-14.5-108).

346.1.1

DEFINITIONS

State

MODIFIED

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.

346.2

POLICY

State

MODIFIED

It is the policy of the Elbert County Sheriff's Office to NOT petition for extreme risk protection orders as the law appears to be, on face value, in violation of the Constitution of the State of Colorado as well as the United States Constitution. If private citizen petitions directly to the Court for an extreme risk protection order, the service of an approved court order will be at the sole discretion of the Sheriff.

346.4

EXTREME RISK PROTECTION ORDERS

State

MODIFIED

A Deputy who receives information from the Courts in reference to the issuance of an extreme risk protection order shall immediately notify the Sheriff via the chain of command.

If a Deputy is requested, through a call for service, to investigate a situation for the purposes of obtaining an extreme risk protection order, the Deputy will gain as much information as possible to address the situation through other lawful methods in lieu of obtaining an extreme risk protection order. The Deputy will also inform the citizen that if they are a household/family member, as defined by the law, that they can appeal directly to the court for an extreme risk protection order.

346.5.2

SAFETY CONSIDERATIONS

Best Practice

MODIFIED

Upon receipt of an extreme risk protection order issued by the Elbert County Courts, the Sheriff will evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

346.5.3

SURRENDER OF PROHIBITED ITEMS

State

MODIFIED

The Elbert County Sheriff's Office will not take possession of a person's firearms if they are attempting to turn them in because of an extreme risk protection order. The person will be directed to transfer them to family or friends, or to a privately owned/operated storage option that is compliant with the law.