

Byrne State Crisis Intervention Program Plan

STATE OF MINNESOTA

FISCAL YEARS 2022-2023 PROGRAM AND FUNDING PLAN

Minnesota Office of Justice Programs, Minnesota Department of Public Safety
November 2024

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I. Introduction

The Bipartisan Safer Communities Act of 2022 established the Byrne State Crisis Intervention Program (Byrne SCIP). The purpose of Byrne SCIP is to provide funding for the creation and/or implementation of extreme risk protection order (ERPO) programs, state crisis intervention court proceedings, and related gun violence reduction programs and initiatives.

The United States Department of Justice Bureau of Justice Assistance (BJA) administers the Byrne SCIP program on behalf of the federal government. The Minnesota Department of Public Safety Office of Justice Programs (OJP) is the state administering agency (SAA) for the Byrne SCIP funds in Minnesota and as such is responsible for oversight and administration of Byrne SCIP funds. This program plan encompasses the fiscal years 2022-2023 Byrne SCIP award to Minnesota for \$3,723,326. The fiscal years 2022-2023 award funding is available upon BJA approval of this plan through September 30, 2026. OJP can apply to BJA for a Grant Award Modification to extend the grant period through September 30, 2027.

II. Minnesota Byrne SCIP Crisis Intervention Advisory Board

Each state must use a crisis intervention advisory board to inform and guide the state's gun violence reduction programs and initiatives funded under the Byrne SCIP program. In 2023, OJP formed the Minnesota State Crisis Intervention Program Advisory Board (Advisory Board) for this purpose.

The Advisory Board included 12 members and was governed by a charter adopted by the members at the January 10, 2024 meeting. Meetings were held monthly between December 2023 and June 2024. Final revisions were made in July and August and the Advisory Board approved the plan September 9, 2024. 11 of 12 members approved and one abstained.

Additional information on the membership and the Advisory Board charter can be found in Appendix A.

III. Fiscal Years 2022-2023 Program Priorities

Priority Area #1: Statewide ERPO Implementation Coordination and Support

The Advisory Board identified effective coordination of and support for the implementation of Minnesota's Extreme Risk Protection Order (ERPO) law (Minnesota Statutes §§624.7171 – 624.7178) that took effect January 1, 2024 as a top priority for the 2022-2023 Byrne SCIP funds. Additional information on Minnesota's ERPO law can be found in Appendix B.

Coordination and support efforts for the implementation of Minnesota's ERPO law include:

- **Convene ERPO Partners.** Convene key ERPO partners and lead efforts to collaborate on shared needs.
- **ERPO Data Collection, Sharing, Analysis.** Coordinate the collection and analysis of ERPO-related data to assess implementation efforts and identify emerging issues related to the law's use and impact. Specifically:

- **Data collection:** Collect comprehensive court data about ERPO petitions, including the number of filings, basis for the petition, petitioner and respondent information, processing times, outcomes, and lengths of orders.
- **Process assessment:** Conduct regular evaluation of the ERPO process through feedback from criminal justice partners and community stakeholders to prompt timely recommendations for improvements in the court process and procedures used by system actors and community partners.
- **Outcome assessment:** Conduct regular systematic review of case outcomes with all relevant governmental and community partners involved in the ERPO process to ensure that the ERPO law is being used efficiently and equitably and in ways that maximize public safety.
- **Disparate impact assessment:** Identify any potential inequities in the implementation of the law, including communities that are over- or underrepresented in ERPO petitions and identify any disparate impacts of ERPOs.
- **Statewide use assessment:** Identify jurisdictions in the state in which ERPOs are not being used in order to inform education and outreach efforts to implementers that will increase uptake and use of this intervention in those places.
- **Best Practices for System Actors.** Coordinate research and development of best practices for operational protocols and processes for ERPO implementation for system actors.
- **Public Facing Information.** Collect, host, share public-facing ERPO resources such as court information, petition forms, FAQs, and key points of contact.
- **Educational Resources.** Collect, host, and share existing resources, information, education, training, research, and best practices for key ERPO partners. Develop and deliver education and training resources where existing resources do not exist.
 - **Professionals who regularly work with people who may be at risk of harm to self or others.** Coordinate the development and dissemination of tailored educational materials about Minnesota's ERPO law for professionals who regularly work with people who may be at risk of harm to self or others such as:
 - Family justice centers, domestic violence service organizations, Minnesota Department of Veterans Affairs' facilities, prosecutorial offices, and other agencies and providers where people experiencing domestic violence may seek assistance.
 - Educators and school administrators so that they can help inform family members about this option when appropriate.
 - Physicians, mental health professionals, social workers and other staff in hospital emergency departments, county social services agencies, crisis intervention clinics, hotline centers, urgent care clinics, and other locations where a person experiencing a suicidal crisis or their family may seek help.
 - **Prosecutors, county attorneys, judges, and court personnel.** Coordinate development and delivery of education about the law for prosecutors, county attorneys, judges, and court personnel.
 - **Minnesota Judicial Branch:** Coordinate and liaise with the State Court Administrators Office on their training of judges and court administrative staff on the ERPO law and court process.

- **Law enforcement.** Coordinate development and delivery of education about the law for law enforcement. Education may include:
 - Overview of the law that provides details on the legal standard and factors that judges will consider.
 - Discussion of the differences between Minnesota’s ERPO law and other potential interventions such as orders for protection.
 - Specific guidance on best practices for serving orders and facilitating dispossession of firearms.
 - Resources for officers to refer families to services.
 - Review of scenarios and case examples in which ERPOs were used effectively.
- **Law Enforcement Firearm Storage Grants.**
 - Gather information on current and future need for law enforcement agencies to upgrade or modify their storage facilities to securely store firearms surrendered as part of the execution of an Extreme Risk Protection Order.
 - Provide grants to law enforcement agencies based on this need.
 - If more or less funding is needed in this area for the fiscal years 2022-2023 funds, OJP will reconvene the Advisory Board to revise the funding plan accordingly.
 - Continue gathering information on this need from local and tribal law enforcement to inform future Byrne SCIP funding priorities.

Priority Area #2: Crisis Intervention/Behavioral Health

The Advisory Board identified a second priority of improving crisis intervention responses, services, and supports across behavioral health, civil legal, and other settings.

The Advisory Board heard priorities and needs from NAMI Minnesota and also acknowledged the quickly shifting landscape in Minnesota in this area. The Minnesota Legislature funded law enforcement crisis response grants through OJP in the 2023 legislative session and voluntary engagement pilots through the Minnesota Department of Human Services in the 2024 session.

The Advisory Board identified the need to conduct an assessment of Minnesota’s current crisis intervention response and services infrastructure prior to the release of grant solicitations. This assessment will ensure that Byrne SCIP funding does not duplicate current efforts and funds are targeted where most needed.

As part of this assessment, the Advisory Board identified the need for an intentional focus on identifying, improving, and developing culturally specific crisis intervention behavioral health responses, services, and supports, particularly for indigenous Minnesotans.

The Advisory Board identified the need for both broad and community-specific engagement, outreach, and education as responses, services, and supports are identified and/or developed so Minnesotans are aware of how to access the interventions.

The Advisory Board recognized the critical workforce shortage for behavioral health practitioners in Minnesota and the major challenge it poses to strengthening the state’s crisis intervention services and supports. The Advisory Board identified the need to assess and understand the impacts of the workforce shortage on Byrne SCIP program projects.

Crisis intervention and behavioral health efforts include:

- **Crisis Intervention Research and Evaluation.** Provide funding to:
 - Assess Minnesota’s crisis intervention response, services, and support infrastructure to understand gaps and needs.
 - Assess Minnesota’s culturally specific crisis intervention response, services, and support infrastructure to understand gaps and needs.
 - Assess what community engagement, outreach, and education is necessary to ensure all Minnesotans are aware of the responses, services, and supports available to them.
 - Assess Minnesota’s behavioral health workforce shortage and identify impacts to Byrne SCIP program projects.
 - Evaluate grants funded under this priority area.
- **Crisis Intervention Grants.** Provide grants to organizations that are providing crisis intervention services such as crisis response teams, triage services, and crisis stabilization facilities. Grants will fund crisis response models that prioritize mental/behavioral health expertise and social support. Eligible grantees could include civilian-only response models as well as those that involve law enforcement. Options could include:
 - Voluntary Engagement Pilots. Grants to counties to hire staff to provide engagement services for individuals that are struggling with their mental health but don’t meet the criteria for a civil commitment.
 - Pre-arrest law enforcement and first responder deflection.
 - Assertive community treatment.
 - Behavioral threat assessment programs and related training.
 - Triage services, mobile crisis units (both co-responder and civilian only), and peer support specialists.
 - Suicide and crisis prevention and referral to services.
 - Technological supports such as smartphone applications to help families and patients navigate mental health and related systems and telehealth initiatives, including technology solutions for telehealth visits outside the hospital.
 - Behavioral health responses and civil legal responses to people in crisis, such as regional crisis call centers, crisis mobile team response, and crisis receiving and stabilization facilities for individuals in crisis.
 - De-escalation training for law enforcement, first responders and other justice practitioners.
 - Embedding social workers and other licensed behavioral health professionals with law enforcement and co-responder programs.
 - Specialized training for individuals who work with or are in families of adults and youth who are in crisis.
 - Related law enforcement-based programs, training, and technology, focused on crisis intervention for those at risk to themselves or others.

Partnerships in Crisis Intervention/Behavioral Health Competitive Grants

Some of the funding prioritized for crisis intervention/behavioral health competitive grants is required to be distributed to local or tribal governments per the “pass through” funding

requirements. Other funding prioritized for crisis intervention/behavioral health competitive grants will come from the more flexible “state share” funds where community behavioral health and community-based organizations will be eligible grant recipients.

The Advisory Board strongly prioritizes multi-disciplinary partnerships with local or tribal governments, law enforcement, community behavioral health, and/or other community-based organizations for behavioral health/crisis intervention competitive grants. To encourage multi-disciplinary partnerships, OJP may support development of partnerships, may provide ratings for competitive grant applications that demonstrate partnership, or may require partnerships to be shown in a competitive grant application.

IV. Fiscal Years 2022-2023 Funding Framework

The total amount of Byrne SCIP funds awarded to Minnesota (Office of Justice Programs) are broken into four separate areas, each with their own unique requirements for how funding is to be used.

Pass Through

Of the \$3,723,326 allocation for fiscal years 2022-2023, \$1,489,330 is required to be distributed to local or tribal governments. This is through the two “pass-through” categories below.

- **Direct Local Pass-Through (Local Share):** States must pass through at least 40 percent of their Byrne SCIP funding allocation to local or tribal governments, which represents \$999,999 of Minnesota’s award. Minnesota will distribute this funding via competitive grants for which only local or tribal governments are eligible to be the grantee.
- **Less than \$10,000 Pass-Through (Under 10K Share):** States must pass through an additional allocation for the less-than-\$10,000 Pass-Through share, which represents \$489,331.

State Share

- **Costs Associated with Administering Byrne SCIP Funds:** Up to 10 percent of the total award, \$372,333 may be used for costs associated with administering Byrne SCIP funds. OJP will use no more than 10 percent of the total award amount for direct administrative costs. OJP will be responsible for the administration and oversight of the state’s Byrne SCIP award, including: the formation and support of, and coordination with the Minnesota State Crisis Intervention Program Advisory Board; multiple competitive subaward processes; obtaining an approved program plan and budget from the Advisory Board; obtaining approval of subawards from BJA; and other costs associated with administration of the grant, including subsequent changes to the project’s scope or budget; monitoring of subawards for compliance and to support project success; competitive procurement of and contractual management of a research partner; and quarterly and semi-annual reporting to BJA.
- **State Share:** The amount of funding remaining after the above totals have been set aside is \$1,861,662 and may be used by the state in support of projects that are deemed to be priorities, including statewide projects.

V. Fiscal Years 2022-2023 Proposed Funding

The proposed funding for Minnesota's Byrne SCIP investments for fiscal years 2022-2023 is listed in the tables below. Minnesota's total allocation for fiscal years 2022-2023 is \$3,723,326. The information is sorted 3 different ways: in summary by funding priority, by activity, and by allocation/share.

Summary By Funding Priority: Proposed Funding

Summary by Funding Priority	FFY22-23	Allocation/Share
Total Crisis Intervention/Behavioral Health Activities (Competitive Grants + Research)	\$1,699,999	State Share + Direct Local Pass Through
Total Statewide ERPO Implementation Activities (Statewide Coordination + Law Enforcement Storage Competitive Grants)	\$1,650,994	State Share + <\$10,000 Local Pass Through
State Administering Agency Costs to Administer Byrne SCIP Funds	\$372,333	State Share
Total Proposed Budget	\$3,723,326	

By Activity: Proposed Funding

By Activity	FFY22-23	Allocation/Share
Crisis Intervention/Behavioral Health Activities		
• Crisis Intervention/Behavioral Health Research and Evaluation • Crisis Intervention/Behavioral Health Competitive Grants <i>(Intended Grantees: Non-Profit Organizations)</i>	\$700,000	State Share
Crisis Intervention/Behavioral Health Competitive Grants <i>(Eligible Grantees: Local or Tribal governments with encouraged multi-disciplinary partnerships.)</i>	\$999,999	Direct Local Pass Through
Crisis Intervention/Behavioral Health Activities Subtotal	\$1,699,999	
Statewide ERPO Implementation Activities		
• Statewide ERPO Implementation Coordination -Convene ERPO Partners -ERPO Data Collection, Sharing, Analysis -Best Practices for System Partners -Public Facing Information -Educational Resources	\$1,161,663	State Share
• Law Enforcement ERPO Firearm Storage Competitive Grants <i>(Eligible Grantees: Local or Tribal Government Law Enforcement Agencies)</i>	\$489,331	<\$10,000 Local Pass Through
Statewide ERPO Implementation Activities Subtotal	\$1,650,994	
State Administering Agency Costs to Administer Byrne SCIP Funds	\$372,333	State Share
Total Proposed Budget	\$3,723,326	

By Allocation/Share: Proposed Funding

Allocation/Share	FFY22-23	Funding Priority
Direct Local Pass Through Minimum: \$999,999		
• Crisis Intervention/Behavioral Health Competitive Grants (Eligible Grantees: Local or Tribal governments with encouraged multi-disciplinary partnerships.)	\$999,999	Crisis Intervention/Behavioral Health
<\$10,000 Local Pass Through Minimum: \$489,331		
• Law Enforcement ERPO Firearm Storage Competitive Grants (Eligible Grantees: Local or Tribal Government Law Enforcement Agencies)	\$489,331	ERPO Implementation
State Share Maximum: \$2,233,995		
• Statewide ERPO Implementation Coordination -Convene ERPO Partners -ERPO Data Collection, Sharing, Analysis -Best Practices for System Partners -Public Facing Information -Educational Resources	\$1,161,663	ERPO Implementation
• Crisis Intervention/Behavioral Health Research and Evaluation • Crisis Intervention/Behavioral Health Competitive Grants (Intended Grantees: Non-Profit Organizations)	\$700,000	Crisis Intervention/Behavioral Health
State Administering Agency Costs to Administer Byrne SCIP Funds	\$372,333	Administration
Total Proposed Budget	\$3,723,326	

VI. Process for Awarding Sub-Awards

All Byrne SCIP subawards must be approved by the BJA via the submission of a Grant Award Modification (GAM). OJP will follow its established process to conduct an open and competitive funding solicitation to determine recommended sub-awards to submit to BJA for approval. If a subaward GAM is approved, OJP will follow its established process to execute grant awards and complete monitoring and ensure compliance with award conditions.

VII. ERPO Constitutional Protections and Due Process Rights

As required by 34 USC §10152 (a)(1)(I)(iv), ERPO programs supported with Byrne SCIP funds must include, at a minimum:

- Pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the U.S. Constitution, including the Bill of Rights and due process rights. Such programs must include steps to prevent constitutional rights violations and, at minimum notice, the right to an in- person hearing, an unbiased adjudicator, and the rights to know opposing evidence, present evidence, and confront adverse witnesses.
- The right to be represented by counsel at no expense to the government.

- Heightened evidentiary standards and proof at pre-deprivation and post-deprivation. These heightened standards and proof must prevent any violation of any constitutional right and, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation.
- Penalties for abuse of the program.

Minnesota's ERPO statute does each of the mandatory provisions required by Pub. L. No. 90-351 to fund ERPO programing.

Appendix A: Minnesota Byrne SCIP Crisis Intervention Advisory Board

DECEMBER 2023 THROUGH SEPTEMBER 2024

Advisory Board Application and Selection Process

OJP conducted an open application process for individuals to express interest in joining the Advisory Board. OJP publicized the opportunity through a broadly distributed email announcement.

Selected Advisory Board members include representatives from law enforcement, the community, courts, prosecution, behavioral health providers, victim services, and legal counsel and OJP staff ensured the membership reflects the ethnic, racial, economic, cultural, and geographic diversity of the state.

Advisory Board Membership

Advisory Board Member	Organization/Background	Byrne SCIP Area
Kathy Abram	Retired from law enforcement. Currently psychologist specializing in critical incident stress, specifically working with first responders and healthcare personnel involved in traumatic incidents.	Law Enforcement
Linda Bedeau	Retired federal Hospital Administrator.	Other
Christy M Goulet	Executive Director of Indigenous Legacy, a non-profit based in cultural education and preservation.	Victim Services
Chuck Hanson	Elected County Attorney for Brown County.	Prosecution
Derek Lumbard	Trauma and critical care surgeon at Hennepin County Medical Center. Involved with violence and injury prevention research, specifically focused on firearm injuries.	Community Member
Alicia B. Nichols, LSW	National expert on the intersections of gender-based violence, homicide, and gun violence.	Victim Services
Kim Parker	Minnesota Department of Public Safety General Counsel.	Other
Jillian Peterson	Forensic psychologist and professor of criminology at Hamline University. Primary area of research is gun violence prevention.	Other
Solange Ribeiro	Long term mental health counselor and counselor educator, currently serving as President of Adler Graduate School.	Behavioral Health
Nicole Starr	District Court Judge for the Second Judicial District (Ramsey County).	Courts
Jon Troe	Assistant Jackson County Attorney handling criminal prosecution, delinquency, and CHIPS matters.	Legal Counsel
Shawn L. Williams	Dean of Peace Officer Education at Alexandria Technical and Community College.	Community Member

Advisory Board Governance and Meetings

The Advisory Board was governed by a charter that was adopted by the members at the January 10, 2024, meeting.

Meetings were held monthly between December 2023 and June 2024 with one additional meeting for open public comment. OJP provided public notice of the meetings on the OJP website. Meeting agendas and summaries are archived.

The Advisory Board followed the general timeline below to develop the program plan.

- December: Organize process and structure; build shared knowledge.
- January: Organize process and structure; build shared knowledge.
- February: Build shared knowledge.
- March: Build shared knowledge; start to develop options for recommendations.
- April: Refine options/recommendations.
- May: Continue refining recommendations and discuss plan outline.
- June: Discuss draft plan.
- July-August: Revise draft plan.
- September: Approve plan.

Advisory Board Charter

January 2024

Purpose

The role of the Minnesota Byrne SCIP Advisory Board is to determine priorities for state gun violence reduction programs and/or initiatives in Minnesota to be funded through the 2023-24 Byrne SCIP grant program. The Board must include, but is not limited to, representatives from law enforcement, the community, courts, prosecution, behavioral health providers, victim services, and legal counsel. States receiving funding through Byrne SCIP are required to establish an Advisory Board.

Scope

The Advisory Board will advise the Office of Justice Programs on priority areas for investment to support gun violence reduction in Minnesota as outlined by the Byrne SCIP program. The Advisory Board will also vote on approval of the draft investment plan prepared by the Office of Justice Programs. If there are changes that need to be made after the initial plan is approved, the Advisory Board can consider and approve these changes.

Values and Working Agreements

General individual expectations

- Review the agenda and required materials ahead of the meeting.
- Be present. Minimize the use of cell phones and email during meetings.

- Step up/step back.
 - If you're more likely to remain quiet during meetings, step up a bit more and share your ideas and suggestions.
 - If you're more likely to do most of the talking in meetings, step back a bit and let others contribute as well.
- Say your name before speaking (whether in room or remotely).
- Refrain from side conversations whether verbally or via chat.
- Ask questions to understand the opinions, viewpoints and lived experiences of others.

Expectations when participating in meetings remotely

- Mute yourself when not speaking so everyone can hear the presenter.
- Participate on video, if possible, so everyone feels your presence.
- Use the “raise hand feature” when you want to speak.
- Do your part to assure functioning technology by joining early to check connection.

Expectations during challenging moments

- Sometimes words land on other ears or come out wrong. Offer or ask for “do-overs”.
- Lean into discomfort with respect and to seek understanding.
- Assume good intent but acknowledge harm.
- Know when to take a break if discussion becomes re-traumatizing or stress inducing.
- Focus on the issue, not the people.
- Be objective, respectful, and solution-driven when sharing amongst a group of passionate professionals.
- Be open minded and curious about others’ experiences.
- Seek to address issues during a meeting.

Conflict of interest

A conflict-of-interest statement and acknowledgment form will be provided to all Advisory Board members. Members are required to review and sign the form and return to OJP.

Logistics and resources

The Advisory Board will hold regular monthly meetings via Zoom on the second Wednesday of each month. Additional sessions to develop shared knowledge and hear from subject matter experts may be scheduled.

The Advisory Board will be supported in its work by staff from the Office of Justice Programs.

Open meeting law

The Advisory Board will adhere to the [Minnesota Open Meeting Law](#).

Minnesota Open Meeting Law requires public bodies to record and maintain votes of its members and Minnesota's Official Records Act requires the public body to "make and preserve all records necessary to a full and accurate knowledge of official activities." The law does not require the use of any specific voting framework.

Advisory Board meeting information can be found on the Minnesota Department of Public Safety website.

Decision-making and conflict resolution framework

The Advisory Board will seek broad consensus in its decisions, exploring issues through dialogue and various group processes to assure all have been heard. The Advisory Board will determine and use clear decision-making frameworks to assure the integrity of the process. On formal actions, a supermajority of votes (10 of 13 members) in favor are required to advance an action.

If a member is unable to vote during a meeting, they will be allowed to communicate their vote to OJP staff in advance of the meeting where a vote or votes will occur. This must be communicated to OJP by 4:00 p.m. the day before the meeting where votes are scheduled to occur.

Members will declare their real and potential conflicts of interest.

Advisory Board members

Terms: The Advisory Board is established for a term to begin in December 2023 with an anticipated conclusion in June 2024.

Selection: The Advisory Board consists of 13 members appointed by the Office of Justice Programs through an open application process. As required by the Byrne SCIP program, advisory board members include community members and representatives from law enforcement, courts, prosecution, behavioral health providers, victim services and legal counsel.

Removal: Members can be removed by the appointing authority (Office of Justice Programs) at any time and may be removed for missing up to three consecutive meetings.

Charter status

This charter was drafted in January 2024 and ratified by the Advisory Board on January 10, 2024.

Charter Ratification and Maintenance

The Advisory Board will ratify this charter when a two-thirds majority of the total membership of the Advisory Board has approved the changes.

The Advisory Board may propose changes. Amendments may be proposed by any member. Proposed amendments will be presented to the Advisory Board no fewer than 30 days before voting. Proposed revisions shall be placed on the agenda for scheduled meetings of the

Advisory Board. Amendments will be inserted into this charter when a supermajority has voted approval.

Charter History

Established: January 10, 2024

Revised: n/a

Appendix B: Minnesota's Extreme Risk Protection Order

The following information is compiled from the [Minnesota Department of Public Safety](#) and the [Minnesota State Court Administrator](#).

What are Extreme Risk Protection Orders (ERPO)?

Effective January 1, 2024, Minnesota law (Minnesota Statutes §§624.7171 – 624.7178) allows certain people to request an order from the court to prohibit someone from purchasing or possessing a firearm. This type of order is called an Extreme Risk Protection Order (ERPO).

When a person is in crisis and considering harming themselves or others, they often exhibit clear warning signs. Family members and law enforcement are usually the first people to see these signs. But, in too many cases, they have few tools to take preventative action despite picking up on the signs.

Although the term is not used in the Minnesota law, laws that authorize these types of orders are often called “red flag” laws. An ERPO may be issued if a person poses a significant danger of bodily harm to others and/or is at significant risk of suicide if they possess a firearm. Extreme Risk Protection Order laws empower loved ones or law enforcement to intervene and temporarily prevent someone in crisis from accessing firearms. These laws can help de-escalate emergency situations. They are a proven way to intervene before an incident of gun violence — such as a firearm suicide or mass shooting — occurs and takes more lives.

There are two types of ERPOs: emergency ERPOs and long-term ERPOs. If a judicial officer grants an emergency ERPO, it goes into effect right away and lasts for 14 days. A long-term ERPO can only be granted after a court hearing. A long-term ERPO lasts between six months and one year.

Minnesota ERPO FAQ

Who can file a Petition?

- A family or household member, a chief law enforcement officer, a city or county attorney, or a guardian can file a Petition.
- A family or household member is one of the following:
 - Spouse or former spouse
 - Persons involved in a significant romantic or sexual relationship
 - Parents or children
 - Persons living together
- Neighbors, co-workers, classmates, and acquaintances are not authorized to petition the court for an ERPO.

Is there a filing fee?

- No, there are no filing fees for an ERPO.

What are the criteria for filing an ERPO Petition?

- If a person poses a significant risk of bodily harm to others and/or is at significant risk of suicide if they possess a firearm, a chief law enforcement officer, prosecutor, or the person's family or household members or guardian may petition the court for an ERPO.
- To obtain an emergency ERPO, the petitioner must show that the person presents an immediate and present danger of bodily harm to others or taking their own life.

How do I file an ERPO Petition?

- Forms, including the Extreme Risk Protection Order Petition and instructions for filing, are available on the Minnesota Judicial Branch website under Court Forms > Firearms. Additional information is available under Help Topics > Firearms.
- If you are the person asking for an ERPO, you are called the "Petitioner" in the case, and the other party is called the "Respondent."
- You can start an Extreme Risk Protection case in the district court of the county where the respondent lives. As a petitioner, you may also request that the court allow you to appear virtually at all proceedings.
- You are expected to put detailed information in the petition. If a hearing is scheduled, you will have the burden of proving by clear and convincing evidence that the respondent poses the risks listed in your petition if they possess a firearm.

Can I keep my address or any part of this case confidential?

- Generally, court files are open to the public, with some exceptions. When filing a Petition, you may ask that your address be kept confidential for this specific court case. Any addresses included in other court cases that are public will remain public.

How do I respond if an Extreme Risk Protection Order is filed against me?

- If you are served with a Petition and/or ERPO, you may request a hearing if one is not already scheduled. If a hearing has been scheduled and you were given fewer than 5 days' notice of the hearing, you can request a continuance.
- At a hearing, it is the Petitioner's (filer's) obligation to prove by clear and convincing evidence that you pose a serious risk of bodily harm to others and/or are at significant risk of suicide if you possess a firearm. You have the right to present evidence at the hearing showing that you don't pose those risks.
- You can consent to the court issuing an ERPO if you agree that you present these risks if you possess firearms. If you consent to the ERPO, there won't be a hearing.