



BTAC BULLETIN

EMERGING ISSUES, TRENDS, CAPABILITIES, AND BEST PRACTICES IN INSIDER THREAT ANALYSIS

'RED FLAG' LAWS

What is an Extreme Risk Protection Order (ERPO)? An ERPO, also known as "Red Flag Law" is a civil court order that allows law enforcement officer(s), and depending on the jurisdiction (21 States and DC have passed laws), family members, health professionals, and school administrators to intervene by petitioning the court and requesting an order to temporarily prevent someone in crisis (A threat of harm to self or others) from lawfully purchasing or possessing firearms.

ERPO laws have become a vital tool to proactively intervene to prevent gun violence and provide a mechanism to act when warning signs are present. Extreme Risk/Red Flag laws are designed to defuse dangerous situations while also ensuring due process and a system of checks and balances in the protection of 2nd amendment rights.

When an ERPO might apply: Situations include individuals who are in crisis and present an imminent risk of harm to themselves or others and have access to firearms; cases of potential suicide, domestic or family violence, stalking, or potential workplace violence. Typically, these incidents are brought to the attention of law enforcement via "call for services" involving a crisis situation. Criminal proceedings can also result in prohibitions of firearm purchases and possession. A judge, as a condition of bail, can order a person to surrender their firearm when a criminal case is pending and there is risk of harm. In other cases, filing an ERPO petition while a criminal investigation is underway may be appropriate. For example, an ERPO may be the only way to obtain someone's firearms for safekeeping for someone who is behaving dangerously, at risk for violence and under investigation or awaiting trial.

ERPO

(Extreme Risk Protection Order)

Focus on securing weapons for safety.
Court ordered.

MPO

(Military Protective Order)

Focus on distance and separating people.
Command ordered.

PO

(Protective Order)

Focus on distance and separating people.
Court ordered.

(Consult your local jurisdiction for details. Not all states have the same PO laws/authorities)

SUICIDE PREVENTION

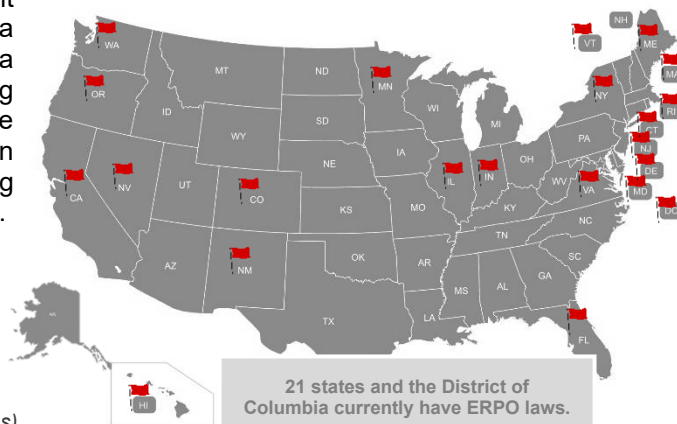


1 LIFE SAVED



10 FIREARMS SECURED

Indiana reported that for every 10 weapons removed through the ERPO process, the total number of completed suicides went down by one ¹



Time and distance from weapons are protective factors. The below are examples of indicators of increasing imminence of violence taken into account when the courts evaluate the use of an ERPO.

²DIRECTLY COMMUNICATED threat to an individual(s), organization, or a third party
SUICIDAL IDEATION, or other significant concerning personal stressors
LAST RESORT BEHAVIOR: Increasing desperation or distress expressed through words or deeds
PATHWAY WARNING BEHAVIOR: Any behavior that is part of research, planning, preparation or implementation of an attack

FIXATION WARNING BEHAVIOR: Behavior that indicates an increasingly unhealthy preoccupation with a person or a cause.
IDENTIFICATION WARNING BEHAVIOR: Significant behavior that indicates a fixation, or close association with militaristic rituals or artifacts, individuals that identify with a previous attacker, or conceive of oneself as an agent of a particular purpose or cause.
SUBSTANCE MISUSE: Active misuse or abuse of substances increases volatility, reduces inhibition, and heightens risk of an individual acting impulsively with access to firearms.

When the courts consider the appropriateness of an ERPO: Imminence of threat + access to firearms = **INTERVENTION**



DITMAC

DOD Insider Threat Management and Analysis Center

1. Jeffrey W. Swanson, et al., "Criminal Justice and Suicide Outcomes with Indiana's Risk-Based Gun Seizure Law." The Journal of the American Academy of Psychiatry and the Law, (2019)
2. Meloy, R., and Hoffman, J., (2021) *International Handbook of Insider Threat*, 2nd ed.